

Of him it can be said—

He so lived that when he died he is missed. He so lived that loved ones may find in him an inspiration to goodness. He so lived that religion may find through him a witness to its great beneficence. He so lived that if his children do evil they can not say "this my father taught me." He so lived that he shall enjoy to its fullest the happiness of the immortality hope. He so lived that now gone he can not be forgotten.

Mr. Speaker, I ask unanimous consent that all Members may have leave to extend their remarks on the late Senator BANKHEAD in the RECORD.

The SPEAKER pro tempore (Mr. STEAGALL). The gentleman from Alabama asks unanimous consent that all Members may have leave to extend their remarks on the late Senator BANKHEAD in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

In accordance with the resolution, at 2 o'clock and 45 minutes p. m. the House adjourned until to-morrow, Monday, January 31, 1921, at 12 o'clock noon.

SENATE.

Monday, January 31, 1921.

Rev. J. J. Muir, the Chaplain, offered the following prayer:

Our Father, we come to Thee thanking Thee for the mercies vouchsafed, and as the new day opens before us with its responsibilities grant unto us the necessary wisdom and guidance. May we so fulfill our tasks of life that we may have Thy approval continually. Through Jesus Christ, our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, January 26, 1921, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

EMERGENCY TARIFF—PROPOSED UNANIMOUS-CONSENT AGREEMENT.

Mr. PENROSE. Mr. President, I ask to have read, and I ask unanimous consent to, the following agreement.

The VICE PRESIDENT. It will be read.

The Assistant Secretary read as follows:

The Senator from Pennsylvania asks unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Tuesday, February 15, 1921, the Senate will proceed to vote without further debate upon any amendment that may be pending—

Mr. UNDERWOOD. Mr. President, I do not like to interrupt the reading, but I suggest to the Senator from Pennsylvania that we dispose of the morning business first and then we will consider this question.

Mr. PENROSE. I would very much prefer to have the agreement read and considered now.

Mr. UNDERWOOD. I suppose the Senator might want to submit something in reference to it, and as I desire to make a few remarks on the subject before it is disposed of, I prefer that the morning business shall be first concluded.

Mr. PENROSE. I have asked unanimous consent. I certainly have a right to have the agreement read.

Mr. UNDERWOOD. Oh, if that is all the Senator wants—

Mr. PENROSE. No; I want a good deal more. Let it be read.

The VICE PRESIDENT. The Secretary will read.

The Assistant Secretary read as follows:

The Senator from Pennsylvania asks unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Tuesday, February 15, 1921, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes, through the regular parliamentary stages up to and including a vote upon its passage.

Mr. UNDERWOOD. Mr. President, for the present I demand the regular order.

Mr. PENROSE. Do I understand that the Senator from Alabama objects to the unanimous-consent agreement?

Mr. UNDERWOOD. No, I have not yet objected; but I demand the regular order. I shall be very glad to discuss the agreement with the Senator after the regular morning business is disposed of.

VISITORS TO NAVAL ACADEMY.

The VICE PRESIDENT. In accordance with the provision of the act of Congress of August 29, 1916, touching the appointment of the Board of Visitors to the Naval Academy, the Chair appoints the Senator from Vermont [Mr. PAGE] ex officio member of the Board of Visitors on the part of the Senate, and the Senator from Delaware [Mr. BALL], the Senator from New

Hampshire [Mr. KEYES], the Senator from Montana [Mr. WALSH], and the Senator from Florida Mr. [TRAMMELL] members.

CREDENTIALS.

The VICE PRESIDENT laid before the Senate a certificate of the governor of Maryland certifying to the election of Ovington E. Weller as a Senator from that State for the term of six years beginning March 4, 1921, which was read and ordered to be filed, as follows:

STATE OF MARYLAND,
Executive Department.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November, 1920, Ovington E. Weller, Esq., was duly chosen by the qualified electors of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1921.

Witness his excellency our governor, Albert C. Ritchie, and our seal hereto affixed, at Annapolis this 28th day of January, in the year 1921.

ALBERT C. RITCHIE, Governor.

By the governor:

[SEAL.]

PHILIP B. PERLMAN,
Secretary of State.

Mr. STERLING. Mr. President, I present the certificate of election of Hon. PETER NORBECK, elected a United States Senator from the State of South Dakota for the term beginning March 4, 1921.

The credentials were read and ordered to be placed on file, as follows:

UNITED STATES OF AMERICA,
State of South Dakota.

CERTIFICATE OF ELECTION.

This is to certify that on the 2d day of November, 1920, at a general election held throughout said State, PETER NORBECK was duly chosen by the qualified electors of the State of South Dakota to the office of United States Senator for the term of six years, beginning on the 4th day of March, 1921.

In witness whereof I have hereunto set my hand and caused the seal of said State to be affixed, at Pierre, the capital, this 9th day of December, 1920.

PETER NORBECK, Governor.

By the governor:

Attest:

[SEAL.]

C. A. BURKHART,
Secretary of State.

HOME OF LEPERS (S. DOC. NO. 368).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation in the sum of \$72,000 required by the Public Health Service for the maintenance of the Home for Lepers, which was referred to the Committee on Appropriations and ordered to be printed.

INDIAN SCHOOLS (S. DOC. NO. 367).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation in the sum of \$375,000 required by the Bureau of Indian Affairs for support of Indian schools, 1921, which was referred to the Committee on Appropriations and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD CO.

The VICE PRESIDENT laid before the Senate a communication from the East Washington Heights Traction Railroad Co., transmitting, pursuant to law, the annual report of that company for the year ended December 31, 1920, which was referred to the Committee on the District of Columbia.

WASHINGTON & OLD DOMINION RAILWAY.

The VICE PRESIDENT laid before the Senate a communication from the Washington & Old Dominion Railway, transmitting, pursuant to law, the annual report of that company for the year ended December 31, 1920, which was referred to the Committee on the District of Columbia.

RECONDITIONING OF ENEMY-OWNED SHIPS (S. DOC. NO. 369).

The VICE PRESIDENT laid before the Senate a communication from the Chairman of the United States Shipping Board, in response to Senate resolution (S. Res. 421), directing the United States Shipping Board to furnish the Senate information as to the allocation agreements between the United States Shipping Board and the United States Steamship Co. permitting reconditioning of enemy-owned ships, which was referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of Hon. JOHN HOLLIS BANKHEAD, late a Senator from the State of Alabama.

The message also announced that the House had passed the bill (H. R. 15872), making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD. At the request of the Senator from Oregon [Mr. CHAMBERLAIN], I send to the desk a resolution from the Legislature of the State of Oregon and ask that it be incorporated in the RECORD.

There being no objection, the resolution was referred to the Committee on Manufactures and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozier, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 2 with the original thereof adopted by the Senate and House of Representatives of the Thirty-first Legislative Assembly of the State of Oregon and filed in the office of the secretary of state January 25, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 25th day of January, A. D. 1921.
[SEAL.]

SAM A. KOZIER,
Secretary of State.

Senate joint memorial resolution 2.

Whereas every user of paper-mill products is suffering from what is apparently an unjust and an abnormal price of this commodity; and Whereas paper-mill products are produced in the State of Oregon and on the Pacific coast in very large quantities: Therefore be it

Resolved by the Senate of the State of Oregon (and the House of Representatives concurring therein), That the Federal Trade Commission be, and it is hereby, memorialized and requested to make a full and complete investigation immediately of all plants and mills producing paper products within the State of Oregon, to the end that the consumer may obtain relief and that products of such mills may be sold at a price netting the mill operators a fair rather than an exorbitant profit; be it further

Resolved, That the secretary of state is hereby instructed to, upon passage of this resolution, transmit copies to each member of the Federal Trade Commission and to each Member of Congress from Oregon. (Note: Adopted at Oregon Newspaper Conference at Eugene, Oreg., Jan. 15, 1921.)

Passed by the senate January 18, 1921.

(Signed)

ROY W. RITNER,
President of the Senate.

Passed by the house January 24, 1921.

(Signed)

LOUIS E. BEAN,
Speaker of the House.

Indorsed: Senate joint memorial No. 2. Introduced by Senator Bruce Dennis.

JNO P. HUNT, Chief Clerk.

Mr. SHEPPARD. At the request of the Senator from Oregon [Mr. CHAMBERLAIN], I also send to the desk a resolution from the Legislature of the State of Oregon and ask that it be inserted in the RECORD.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozier, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 4 with the original thereof adopted by the Senate and House of Representatives of the Thirty-first Legislative Assembly of the State of Oregon, and filed in the office of the secretary of state January 26, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol, at Salem, Oreg., this 26th day of January, A. D. 1921.
[SEAL.]

SAM A. KOZIER,
Secretary of State.

House joint memorial 4.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the House of Representatives of the State of Oregon, the Senate concurring, respectfully represent this: That—

Whereas the work of the United States Public Health Service and the Federal Board for Vocational Education throughout district No. 13, comprising Oregon, Washington, and Idaho, has been and now is seriously handicapped by the lack of suitable buildings and grounds for use in the hospitalization and retraining of disabled ex-service men of the World War; and

Whereas representatives of the United States Public Health Service and the Federal Board for Vocational Education, cooperating in the name of humanity and the duty we owe these men, have examined the property of the Federal Government located near Walla Walla, Wash., and known as Fort Walla Walla, now unoccupied, and found the same ideally located for their work, and containing buildings which will house approximately 400 men and grounds embracing more than 600 acres of extremely fertile land; and

Whereas these buildings can be made ready for use very quickly at a nominal expense, the necessary funds for which being already available in appropriations made by the Federal Government for the hospitalization and retraining of disabled ex-service men; and

Whereas the United States Public Health Service and the Federal Board for Vocational Education have most heartily indorsed the use of the buildings and grounds at Fort Walla Walla for hospitalization and retraining and desire to secure immediate occupancy of same: Therefore be it

Resolved by the House of Representatives of the State of Oregon (the Senate concurring), That the Congress of the United States be, and it is hereby, memorialized to take the necessary steps to make the buildings and grounds at Fort Walla Walla available for use by the United States Public Health Service and the Federal Board for Vocational Education for the purpose above mentioned; and be it further

Resolved, That the secretary of state of Oregon be directed to transmit by mail a copy of this memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States and to each of the Senators and Representatives from the State of Oregon in Congress.

Adopted by the senate January 25, 1921.

ROY W. RITNER,
President of the Senate.

Adopted by the house January 24, 1921.

LOUIS E. BEAN,
Speaker of the House.

Indorsed: House joint memorial No. 4. Introduced by Messrs. Hammond, Korell, Marsh, Johnson, Pierce, and Leonard. W. F. Drager, chief clerk. Filed January 26, 1921.

SAM A. KOZIER,
Secretary of State.

Mr. McNARY presented a resolution of the Legislature of Oregon relating to the paper-mill industry, which was referred to the Committee on Manufactures.

[See resolution preceding, presented by Mr. SHEPPARD.]

Mr. NELSON presented a resolution of the Holstein Friesian Breeders' Association, of Freeborn County, Minn., favoring an appropriation to carry on tuberculosis eradication work among cattle, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Kondon Manufacturing Co., of Minneapolis, Minn., remonstrating against the enactment of legislation placing a tariff of 10 cents per pound upon pig tin, which was referred to the Committee on Finance.

Mr. LODGE presented a resolution of the O'Connell District Council of the American Association for the Recognition of the Irish Republic, of Lowell, Mass., protesting against the deportation of the lord mayor of Cork, Ireland, Donal J. O'Callaghan, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented resolutions of the Rock Farmers' Union, Local No. 1933, of Rock, Kans., and Bache Local No. 225, F. E. & C. U. of America, of Bache, Okla., favoring legislation to prevent gambling in farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition signed by sundry members of the Wilmington Grange No. 1741, of Burlingame, Kans., praying for the enactment of legislation to prevent gambling in farm products, which was referred to the Committee on Agriculture and Forestry.

PLATTE RIVER A NONNAVIGABLE STREAM.

Mr. REED. Mr. President, from the Committee on Commerce I report back favorably without amendment the bill (H. R. 10920) declaring Platte River to be a nonnavigable stream, and I submit a report (Rept. No. 732) thereon. I ask unanimous consent for its present consideration. The bill will bring forth no discussion, I am sure. This is not a river. It is really a creek. It never was navigable and never will be made navigable. The sole purpose of the bill is to place the stream in such shape that the State authorities can control and handle it. The bill is reported by the committee unanimously and has already passed the House. It has been reported on favorably by the department.

Mr. SMOOT. Does the Senator know for what reason the stream was held to be navigable by the department?

Mr. REED. It was originally included in navigable streams under the broad general act.

Mr. SMOOT. I think it is held navigable just the same as many of our little creeks in the West are held navigable. It is because of the fact that the water from that stream flows into a navigable stream, and so the creek or the river itself is held to be a navigable stream. I am perfectly willing that the bill shall be passed.

Mr. MYERS. What stream is it, may I inquire?

Mr. REED. Platte River, in the State of Missouri. It is not a river; it is a creek.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. McCUMBER. Mr. President, I think, inasmuch as there is objection to any unanimous-consent agreement upon an equally important bill, until we can dispose of that during the

morning hour I shall have to object to the consideration of any bill, and I therefore object to this one.

Mr. REED. I hope the Senator will not do that.

Mr. PENROSE. I hope the Senator from Alabama will withdraw his objection to my proposed unanimous-consent agreement. We all are filled with hope.

Mr. MYERS. The Senator from Alabama has not yet objected, I understand, to the proposed unanimous-consent agreement.

Mr. REED. Unanimous consent to vote upon an important bill on which there is a division of opinion is one thing. This bill affects a little stream and is in the interest of the people there. It is purely a local matter, and it comes up on a unanimous report of the committee. The Congressman who introduced the bill, which has been passed in the House, died a few days ago, and I feel especially interested in carrying out this little part of his work. I hope no Senator will object.

Mr. PENROSE. I am compelled to construe the objection of the Senator from Alabama as an objection to the unanimous-consent agreement. I had certainly a right to have it considered when I presented it, or now, or at any time.

Mr. UNDERWOOD. I will be perfectly candid with the Senator from Pennsylvania. I think we should discuss the question as to whether we shall have a unanimous-consent agreement. We can not under the rules discuss it until the morning business is disposed of, because any Senator can object and cut off the discussion. I am willing to discuss the Senator's request when we reach that stage of the business in the Senate when it can be talked about and discussed, but it can not be done now, and therefore I insist that the morning business be transacted before we take up that question.

Mr. PENROSE. As I understand the rules and practice of the Senate, however much the conservatism of the Senate may have been shattered during recent years, I have a right or any Senator has a right to ask for unanimous consent at any time. I am strictly within my right in asking for the unanimous-consent agreement now, just as much as the Senator from Missouri is within his right in asking unanimous consent for the consideration of the bill relative to the little river bill concerning which he has made an appeal.

I can only construe the attitude of the Senator from Alabama as one of direct and deliberate hostility to the consideration of the unanimous-consent agreement at all, but I do not desire to be disagreeable and in view of the fact that the river is a small one and gives no promise of ever becoming larger, I shall not object to the present consideration of the bill reported by the Senator from Missouri.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10920) declaring Platte River to be a nonnavigable stream, and it was read, as follows:

Be it enacted, etc., That the Platte River in the State of Missouri be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States, and jurisdiction over said river is hereby declared to be vested in the State of Missouri.

Sec. 2. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMERGENCY TARIFF—PROPOSED UNANIMOUS-CONSENT AGREEMENT.

Mr. BRANDEGEE. Mr. President, I understood the Senator from Pennsylvania to hold that a unanimous-consent agreement request under the rules of the Senate is in order at any time, and to raise a point of order against the demand of the Senator from Alabama for the regular order. I also understand that a demand for the regular order can not be interposed as against a privileged request under the rule, as the request for unanimous consent is.

The VICE PRESIDENT. The Senator from Connecticut may have so understood it, but the Chair has not that understanding.

Mr. BRANDEGEE. I have discussed the matter with the Senator from Pennsylvania and he said that is his understanding of it. I ask the Senator from Alabama whether he did make that point of order?

Mr. UNDERWOOD. I understand that a demand for the regular order is equivalent to an objection as to anything that is not the regular order taking place. I merely desired to let the Senator from Pennsylvania know that I did not wish arbitrarily to attempt to cut him off at this time, but that I wanted the morning business disposed of, which is the regular order. When morning business is disposed of, if the Senator then desires to renew his request for unanimous consent, I shall discuss it with him.

Mr. BRANDEGEE. Mr. President, I wish to suggest to the Chair that, inasmuch as the fixing of a date for the final vote

upon a bill under the rule has to be preceded by a quorum call, the Senator can not object at this time. Upon the suggestion that a time be fixed for a final vote, under the rule, as I understand it, a quorum should be summoned. If then the Senator wishes to object, very well; but I make the point of order that he can not now object, and that he can not now demand the regular order so as to prevent the consideration of the request for unanimous consent, which, under the rules, is privileged to be made at any time.

The VICE PRESIDENT. This is what the Chair thinks: The rule providing that "no request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or resolution shall be submitted to the Senate for agreement thereto until, upon a roll call ordered for the purpose by the presiding officer, it shall be disclosed that a quorum of the Senate is present," when a proposed unanimous-consent agreement is presented—

Mr. PENROSE. Mr. President—

The VICE PRESIDENT. May the Chair rule?

Mr. PENROSE. I ask for a roll call. In the confusion prevailing in the Senate, and because of the fact that the Chair did not seem to be making any ruling on the question, the matter has drifted a little; but I certainly did not intend to lose my right to the floor nor my right in connection with a privileged motion. I desire to press the request for the unanimous-consent agreement which has just been read, and, in accordance with the rules, I ask for a roll call.

The VICE PRESIDENT. The Chair was about to proceed to rule. The rules of the Senate must be construed as the Sherman antitrust law has been construed by the Supreme Court, according to the rule of reason. So if it is apparent the moment that a request for a unanimous-consent agreement is presented that a Senator objects or is going to object, there is absolutely no sense in having the roll called. From the very inception of the adoption of the rule that has been the uniform action, both of the Senate and of the presiding officer. Accordingly, the Senator from Alabama [Mr. UNDERWOOD] having given notice that he calls for the regular morning order, the Chair construes that as an objection upon the part of the Senator from Alabama to the unanimous-consent agreement. Therefore, the Chair, unless ordered to do so by the Senate, will not have the roll called for the purpose of ascertaining whether or not a quorum is present.

Mr. JONES of Washington. Mr. President, I also wish to suggest that the request for unanimous consent was not formally submitted to the Senate by the Vice President, as is contemplated by the rule.

The VICE PRESIDENT. Always we have proceeded upon the theory that we desire to do business. That has been a violent assumption sometimes, of course, but we have always proceeded upon that theory; and whenever it has appeared that a Senator was going to object to a unanimous-consent agreement, the Chair has not submitted it to the Senate.

Mr. PENROSE. The Chair certainly can not suffer under that delusion in connection with the emergency tariff bill.

The VICE PRESIDENT. The Chair does not know anything about the emergency tariff bill. The Chair has lost interest in emergencies.

Mr. PENROSE. Mr. President, I distinctly understood the Senator from Alabama to state that he did not object to the consideration of the request for unanimous consent.

The VICE PRESIDENT. "At the conclusion of the regular morning business," the Senator from Alabama said.

Mr. SMITH of Georgia. If the Senator from Pennsylvania will yield to me and allow me to say a word, I should like to say that in a little over an hour and a half the tariff bill will come before the Senate as the unfinished business. This is Calendar Monday, and a number of Senators are interested in bills on the calendar which can be disposed of under the five-minute rule. There are also a number of Senators on this side of the Chamber who will join the Senator from Pennsylvania in adopting cloture, if necessary, in order to dispose of the tariff bill. I will do so for one. I think that bill ought to be disposed of, and that there ought to be a vote on it.

Mr. BRANDEGEE. Mr. President—

Mr. SMITH of Georgia. One moment. If the Senator from Pennsylvania will wait until 2 o'clock, he will find substantial support on this side of the Chamber.

Mr. BRANDEGEE. As I understand, the Senator from Pennsylvania, of course, has no objection to the Senator from Alabama objecting to entering into the unanimous-consent agreement at the proper time; that is the privilege of the Senator from Alabama; but it seems to me that the Senator from Alabama can not object to the consideration of the request or to its being submitted to the Senate. When that is done, then he or

any other Senator may object; but he can not object to its being submitted to the Senate, because, under the rule, it is privileged. The rule provides that a unanimous-consent agreement may be submitted to the Senate at any time. The rule does not except the morning hour.

The VICE PRESIDENT. Where is the rule to which the Senator refers to be found?

Mr. BRANDEGEE. I will find it for the Chair in a minute.

The VICE PRESIDENT. The Chair should like to see it.

Mr. BRANDEGEE. I saw it only the other day.

The VICE PRESIDENT. We have been proceeding upon the theory that a request for unanimous consent is a privileged matter, but it is not.

Mr. BRANDEGEE. A request for unanimous consent, being in its nature terminable by an objection, may be made at any time without any serious delay in the business of the Senate, but a Senator can not, while refusing to object, demand the regular order, which demand proceeds upon the theory, of course, that the request is not in order.

Mr. UNDERWOOD. I think the Senator from Connecticut is getting very far afield when he discusses the question as a privileged matter. It is about as far from being privileged as any matter could be. Instead of being a privileged matter, which would entitle it to immediate consideration, it can not be considered at all unless every Senator in the Senate consents to it. So it is far away from being a privileged matter.

Mr. BRANDEGEE. The Senator from Alabama is in error there. An agreement may not be entered into by unanimous consent unless every Senator agrees to it, but if I had time to turn to Giffry's Precedents and Procedure I am quite sure I saw it stated therein the other day that a request for unanimous consent was in order at any time; that it could not be swept aside so as to prevent the consideration of the request by the demand for the regular order, because it is in order at any time; it is the regular order, just as a conference report is in order at any time, but its consideration, of course, is subject to the control of the Senate. It is, however, a privileged motion, and, in fact, a motion of the highest privilege.

Mr. SIMMONS. Mr. President, I should like to ask the Senator a question.

Mr. BRANDEGEE. I yield.

Mr. SIMMONS. Does the Senator think that it makes for the orderly conduct of the business of the Senate to take up the question of whether unanimous consent shall be given to vote upon a bill which is not at the time of the request before the Senate?

Mr. BRANDEGEE. Mr. President, in many instances unanimous-consent agreements are devices to do away temporarily with the barrier interposed by some rule of the Senate. The unanimous-consent agreement is a device for accelerating and promoting the business of the Senate, and it can not take any time, because the moment it is preferred and a quorum is called and it is before the Senate, if the request be to fix a day for a final vote, the objection of a single Senator to the request insures that the business of the Senate shall be proceeded with.

Mr. SIMMONS. I am not making the point that it is not in order to make the request at this time when we are engaged in the morning business, but I am making the point that it would be much more orderly and much more in conformity with the usual practice of the Senate if such requests were submitted only when the subject to which they relate is under consideration by the Senate.

Mr. FLETCHER. I raise the point of order that all this discussion is out of order, because the Chair has held—

Mr. BRANDEGEE. I am discussing a point of order, which is in order certainly.

Mr. FLETCHER. The Chair has held that this is not a privileged question.

Mr. BRANDEGEE. But the point of order has been raised that the demand for the regular order at this time is not in order as against a request for unanimous consent. Of course, I have a right to discuss that question, if the Chair has a desire to hear me.

The VICE PRESIDENT. The Chair has ruled.

Mr. BRANDEGEE. I beg the Chair's pardon; I did not hear the ruling of the Chair.

The VICE PRESIDENT. The Chair has not ruled upon the question differently from what the Chair has uniformly ruled since the particular rule of the Senate with reference to unanimous-consent agreements has been in force. There may be an appeal now taken from the ruling of the Chair, and the Senate may settle its procedure for itself if it desires so to do. However, it has been the ruling of the present occupant of the chair uniformly that during the morning hour a request for a unanimous-consent agreement is not a privileged question; secondly,

that when a request for a unanimous-consent agreement is submitted, if it appears at once from the objection of a Senator that it will not be consented to, the Chair has not ordered the calling of the roll in order to determine the presence of a quorum for the purpose of submitting the request to the Senate. If those rulings do not comply as the sense of the Senate an appeal will settle the question.

Mr. MYERS. Mr. President—

The VICE PRESIDENT. Does the Senator wish to appeal from the ruling of the Chair?

Mr. MYERS. I ask leave out of order to introduce a bill.

Mr. PENROSE. Mr. President, I object.

The VICE PRESIDENT. Objection is made.

Mr. MYERS. Then, when may I introduce the bill?

The VICE PRESIDENT. Now, let us get down to something. We are getting nowhere. The Chair cares nothing about it. Is there going to be an appeal from the ruling of the Chair? [A pause.] There is no appeal. Are there further reports of committees?

UNITED STATES DISTRICT COURT CLERKS.

Mr. REED. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 4891) to amend section 1 of an act approved February 26, 1919, entitled "An act to fix the salaries of the clerks to United States district courts and to provide for their office expenses, and for other purposes," and I submit a report (No. 731) thereon. It is a unanimous report by the committee, and I ask unanimous consent for the present consideration of the bill. I think it will involve no discussion whatever.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. Mr. President, I ask that the bill go over. The same question is now before the Appropriations Committee.

Mr. REED. No; the bill does not involve the question of salary. The title of the bill is misleading. Will the Senator allow me to tell him what the bill provides?

Mr. SMOOT. If the title is misleading, I should be very glad to have the Senator do so.

Mr. REED. The title of the bill is misleading, because it refers to a bill that is to be amended. All there is in the bill which has been reported is this: Prior to 1919 the district judges appointed their own clerks. In 1919 somebody slipped in an amendment that contained this language:

Subject to the approval of the senior circuit judge for the circuit in which the district is situated.

This bill eliminates that language and allows a United States district judge to appoint his own clerk. That is all there is to the bill.

Mr. SMOOT. Then, I have no objection to its consideration. There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 1 of the act approved February 26, 1919, entitled "An act to fix the salaries of the clerks of the United States district courts and to provide for their office expenses, and for other purposes," is hereby amended to read as follows:

"Section 1. That on and after the 1st day of July, 1918, all clerks of the United States district courts shall be appointed by the judge for the district, or the senior judge if there be more than one judge in the district, and all fees and emoluments authorized by law to be paid to the clerks of the United States district courts, except the clerks of the district courts of Alaska, shall be charged as heretofore and shall be collected, as far as possible, and paid into the Treasury of the United States in such manner and at such times as hereinafter provided; and such clerks shall be paid, in lieu of the fees and emoluments now allowed by law, an annual salary as hereinafter provided: *Provided*, That this section shall not be construed to require or authorize fees to be charged or collected from the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon where indicated:

A bill (S. 4710) to authorize the Commissioner of the General Land Office to dispose of certain trust funds in his possession (Rept. No. 736);

A bill (S. 4749) to provide for the disposition of boron deposits (Rept. No. 737);

A bill (S. 4865) fixing the taxable status of lands received in exchange for lands formerly embraced in the grants to the Oregon & California Railroad Co. and the Coos Bay Wagon Road Co. (Rept. No. 738);

A bill (H. R. 1430) to authorize the addition of certain lands to the Weiser National Forest, Idaho;

A bill (H. R. 2946) to amend acts to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes;

A bill (H. R. 9028) to authorize the addition of certain lands to the Nez Perce National Forest, Idaho;

A bill (H. R. 10434) to add certain lands to the Targhee National Forest;

A bill (H. R. 11004) to grant certain lands to the board of trustees of the village of Downey, State of Idaho, for the protection of its water supply; and

A bill (H. R. 13051) to add certain lands to the Lemhi National Forest, Idaho.

Mr. SMOOT also, from the Committee on Public Lands, to which was referred the bill (S. 4864) to amend section 3 of an act entitled "An act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes," approved October 24, 1914, reported it favorably with an amendment in the nature of a substitute, and submitted a report (No. 735) thereon.

Mr. McNARY, from the Committee on Public Lands, to which was referred the bill (S. 4511) authorizing the Secretary of War to grant a right of way over certain Government lands to the State of Oregon for the Columbia River Highway, reported it favorably with an amendment in the nature of a substitute, and submitted a report (No. 733) thereon.

Mr. TOWNSEND, from the Committee on Interstate Commerce, to which was referred the bill (S. 4898) to amend the transportation act, 1920, reported it favorably without amendment.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 233) giving consent of the Congress of the United States to the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska, or any two or more of said States, to agree upon the jurisdiction to be exercised by said States over boundary waters between any two or more of said States, reported it favorably without amendment and submitted a report (No. 734) thereon.

NAVAL BASE ON SAN FRANCISCO BAY (S. DOC. NO. 366).

Mr. BALL. From the special joint committee created by the act of Congress making appropriations for the Naval Service for the fiscal year ending June 30, 1921, and for other purposes, approved June 4, 1920, I wish to submit a report. The special committee was directed to investigate the advisability of establishing, developing, and maintaining a naval base on San Francisco Bay. I ask that the report may be printed as a document.

There being no objection, the report was ordered to be printed as a document.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 4941) for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of Wisconsin, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 4942) for the relief of Claude Chandler (with accompanying papers); and

A bill (S. 4943) for the relief of John W. Millar (with an accompanying paper); to the Committee on Claims.

A bill (S. 4944) granting a pension to James W. Murphy (with accompanying papers);

A bill (S. 4945) granting a pension to Sarah M. Brown (with accompanying papers); and

A bill (S. 4946) granting a pension to Ida May Hollister (with accompanying papers); to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 4947) granting a pension to Viola Grover Libby (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 4948) granting a pension to James Duffy; to the Committee on Pensions.

By Mr. DIAL:

A bill (S. 4949) to authorize the building of a bridge across the Santee River in South Carolina;

A bill (S. 4950) to authorize the building of a bridge across the Pee Dee River in South Carolina; and

A bill (S. 4951) to authorize the building of a bridge across the Wateree River in South Carolina; to the Committee on Commerce.

By Mr. GRONNA:

A bill (S. 4952) to increase the percentage of national forest receipts to be paid to the Territory of Alaska; to the Committee on Territories.

By Mr. CAPPER:

A bill (S. 4953) donating captured cannon and unloaded projectiles to the Fleming-Jackson-Seever Post, No. 6, American Legion, Atchison, Kans.; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 4954) granting a deed of quitclaim and release to J. L. Holmes of certain land in the town of Whitefield, Okla.; to the Committee on Indian Affairs.

A bill (S. 4955) for the relief of the American Alliance Insurance Co.; to the Committee on Claims.

By Mr. WOLCOTT:

A bill (S. 4956) creating the office of United States civil engineer, and providing for the pay and retirement of such officers; to the Committee on Military Affairs.

By Mr. SPENCER:

A bill (S. 4957) for the relief of Dr. Demetri Boyoucoglou; to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 4958) to regulate the retired pay of certain enlisted men in the Coast Guard; to the Committee on Commerce.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 249) authorizing the retirement as warrant officers of certain Army field clerks and field clerks Quartermaster Corps; to the Committee on Military Affairs.

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL.

Mr. BORAH submitted an amendment proposing to appropriate \$8,000, to be immediately available, for the erection of necessary buildings at the United States sheep experiment station in Clark County, Idaho, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to increase the appropriation for collecting, publishing, and distributing information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of live stock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, and seeds, and other agricultural products, etc., from \$390,160 to \$1,100,000, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR APPROPRIATION BILL.

Mr. SHEPPARD submitted an amendment proposing to appropriate \$200,000 for continuing improvement by construction of sea-wall extension from station 103 to a junction with the souty jetty at Galveston Harbor, Galveston Channel, Port Bolivar Channel, Texas City Channel, and Houston Ship Channel, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for a survey of the Rio Grande River at and near Brownsville, Tex., with a view to bank protection, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

ARTICLES BY ARTHUR MACDONALD.

Mr. JONES of Washington. Mr. President, I send to the desk an order that I ask may be entered.

The VICE PRESIDENT. The order will be read.

The Assistant Secretary read as follows:

Ordered, That the Committee on Printing be discharged from the further consideration of papers referred to it entitled "Scots and Scottish Influence in Congress," and "A Study of the United States Senate," by Arthur MacDonald, and that leave be granted to withdraw the said articles from the files of the Senate.

Mr. UNDERWOOD. Mr. President, I will ask what that order is about?

Mr. JONES of Washington. Two papers, the titles of which are designated in the order, were prepared by Mr. MacDonald. They were presented to the Senate and referred to the Committee on Printing with a view to having them printed. The Committee on Printing, I think, has decided not to report permission to print them, and this order is to enable Mr. MacDonald to get them back.

The VICE PRESIDENT. Is there any reason why a committee of the Senate, prior to the making of a report, may not return the papers? Does it take an order of the Senate to do that?

Mr. SMOOT. I have no objection to the order, because I want to say frankly that the committee on several occasions has voted not to print the documents.

Mr. JONES of Washington. I desire to say that I asked Mr. MacDonald if they could not turn the papers over to him, and he said the clerk said they could not do so without an order.

Mr. SMOOT. That is true.

The VICE PRESIDENT. Let the order be entered, then. It will do no harm.

PRICE OF PRINT PAPER.

Mr. HARRIS. I ask for the consideration of Senate resolution 436.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The Assistant Secretary read Senate resolution 436, submitted by Mr. HARRIS on the 26th instant, as follows:

Resolved, That the Federal Trade Commission is hereby directed to inquire into the price of print paper during the last year and ascertain whether or not the newspapers of the United States are being subjected to unfair practices in the sale of print paper.

The VICE PRESIDENT. Is there any objection?

Mr. WADSWORTH. Mr. President, I should like to get a little information as to the real purpose of this resolution. Is it not a fact that the Federal Trade Commission, a comparatively short time ago, completed an investigation of this kind, within at least a year or 18 months? This, of course, as I understand, involves the expenditure of a great deal of money, and I thought the newsprint-paper business had been pretty thoroughly investigated in the last three years.

Mr. HARRIS. Mr. President, the Federal Trade Commission made this investigation between three and four years ago. They have most of this information. At the present time most of the manufacturing enterprises of the United States and Canada are reducing the prices of their products, as the cost of production has decreased, but the manufacturers of newsprint paper are not only holding up the price but they are trying to get agreements from the newspapers to set the price in the future. It would not require any great expense, as the Senator from New York thinks. The commission can get the information by correspondence.

Mr. PENROSE. Mr. President, this question has been exhaustively considered for months, if not for years. The time of the Senate is absolutely taken up with pressing matters; and I move to refer the resolution to the Committee on Printing.

Mr. SMOOT. Mr. President, just a word. I have no objection to the motion, but I want to say that I think the resolution ought to go to the committee for the reason that the committee already have before them volumes of reports made upon that very subject; and I think before we enter into that expense again a committee of this body ought at least to pass upon the question as to whether they think there is any necessity for it.

Mr. POMERENE. Mr. President, I have no objection to this resolution going to the Committee on Printing; but very recently there has come to my knowledge certain information touching the enormous profits of the manufacturers of print paper, and if one tithe of what is said in that behalf is true, certainly the public ought to know it. The profits are such as to make the coal operators mere pikers in comparison.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania to refer the resolution to the Committee on Printing.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 15872) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, was read twice by its title, and referred to the Committee on Foreign Relations.

ORDER OF BUSINESS.

The VICE PRESIDENT. Is there any further morning business? The morning business is closed.

Mr. PENROSE. Mr. President, may I have an opportunity now to take advantage of the generous offer of the senior Senator from Alabama [Mr. UNDERWOOD] to take up the unanimous-consent agreement, and perhaps hear his views on it?

Mr. UNDERWOOD. Mr. President, I desire to make a parliamentary inquiry. As I understand, the morning business having been closed, business now coming before the Senate is open to debate.

The VICE PRESIDENT. There is no doubt about that.

Mr. UNDERWOOD. If the Senator makes his request, I desire to make a statement about it after his request is preferred.

Mr. PENROSE. I suppose I ought to renew the request for unanimous consent, Mr. President? I ask for information.

The VICE PRESIDENT. It is here on the table, and if there is no objection the Chair will order the roll called to determine the presence of a quorum.

Mr. FLETCHER. I should like to have the proposal stated.

Mr. UNDERWOOD. Mr. President, I think we can obviate the calling of the roll for the present. If the unanimous-consent agreement is before the Senate, I desire to make a statement in reference to it.

Mr. HARRISON. Mr. President, will the Senator yield for one moment until I make a parliamentary inquiry?

Mr. UNDERWOOD. I will.

Mr. HARRISON. This being Calendar Monday, is it not the order now, after the close of the morning business, that the calendar shall be called until 2 o'clock?

The VICE PRESIDENT. That is the regular order.

Mr. HARRISON. I make the point of order then.

Mr. PENROSE. I am asking for unanimous consent.

Mr. HARRISON. And I make the point of order that the request can not be made at this time; that the regular and orderly procedure of the Senate is to call the calendar.

The VICE PRESIDENT. This matter can be taken up by unanimous consent now. Anything can be done by unanimous consent.

Mr. PENROSE. I thought I had the assurance of the Senator from Alabama, the leader of the minority—one of the leaders—that he would help me to get this matter up.

Mr. UNDERWOOD. I stated to the Senator that after the regular order I would discuss the matter with him, which I am preparing to do. I will say to the Senator, though, that we can avoid calling a quorum at this time. We had better discuss the matter first, and then find out whether we will call a quorum.

Mr. JONES of Washington. Mr. President, I demand the regular order.

The VICE PRESIDENT. The calendar under Rule VIII?

Mr. JONES of Washington. Yes; the calendar under Rule VIII.

The VICE PRESIDENT. The Chair has no remedy except to hold that the calendar under Rule VIII on Monday is in order.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BRANDEGEE. Is it not permissible for a Senator at this time to prefer a request for unanimous consent?

The VICE PRESIDENT. Under the rule with regard to Calendar Monday there is a specific proviso—

Mr. BRANDEGEE. My theory is that a request for unanimous consent is for the purpose of setting aside the rule. Of course I am aware that the rule in regard to the order of business is that at this time on Monday the calendar shall be taken up; but where a Senator prefers a request for unanimous consent I had supposed that under clause 3 of Rule XII, on page 16, the roll was to be called, and, in the language of the rule—

No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a roll call ordered for the purpose by the presiding officer, it shall be disclosed that a quorum of the Senate is present—

And so forth. Now, the Senator from Pennsylvania has risen and preferred a request for unanimous consent. Under the rule that can not be submitted to the Senate until the roll is called and the presence of a quorum developed. If the roll can not be called, and if the request can not be presented, that is one thing. If the Senator from Pennsylvania can not rise in his place and prefer a request for unanimous consent now, I do not know when he can. There is always some business before the Senate, and the universal practice has been that when a Senator obtained the floor and was recognized by the Chair and preferred a request for unanimous consent, that was in order at any time until it was determined whether or not the Senate would grant his request for unanimous consent. Otherwise, a request for unanimous consent never could be preferred.

Mr. SMITH of Georgia. Mr. President—

The VICE PRESIDENT. The Chair not 15 minutes ago ruled upon this very question, gave the Senate full opportunity to appeal from the ruling of the Chair, has not the slightest interest whatever in the matter, and announced that if it appeared that a Senator was going to object to a request for unanimous consent the Chair never had so far ordered the roll to be called. The Senator from Washington [Mr. JONES] now objects and calls for Calendar Monday. It is the same as an objection to the present consideration of this matter. There ought to have been an appeal.

Mr. BRANDEGEE. But, Mr. President, if the Chair will excuse me, the Senator from Alabama did not give notice that he would object.

Mr. SMITH of Georgia. Then I will solve the question by saying that I will object to the unanimous-consent agreement until 2 o'clock, so that we can go on with the calendar until that time.

Mr. BRANDEGEE. The Senator from Alabama said he desired to discuss the unanimous-consent agreement.

The VICE PRESIDENT. It is the Senator from Washington [Mr. JONES] who is objecting now and calling for the regular Calendar Monday. What object there will be in calling the roll, if nothing is to be done, the Chair can not see.

Mr. BRANDEGEE. Mr. President, I do not know what the object of enforcing the rule would be, except that I assume that rules are to be enforced until they are set aside; and the rule provides that the request can not be submitted to the Senate until after the roll is called. How can the Senator object to it before it is submitted to the Senate?

The VICE PRESIDENT. The Chair a moment ago made himself perfectly clear, he thinks, to every Senator, as to the reason for the ruling of the Chair, and challenged an appeal from the Chair. The Chair again challenges it, and again rules that where it is perfectly apparent that a Senator is going to object, and he enters an objection, there is no reason under the rule why the Chair should have the roll called to determine whether a quorum is present.

Mr. BRANDEGEE. I do not care to appeal from the ruling of the Chair, but I differ from it; that is all.

Mr. LODGE. Has objection been made?

The VICE PRESIDENT. Yes; by the Senator from Washington [Mr. JONES].

Mr. LODGE. The Senator from Washington did not give notice of an objection.

Mr. JONES of Washington. I called for the regular order, and gave notice that I would object.

Mr. LODGE. I understood that the Senator from Georgia [Mr. SMITH] gave the same notice.

Mr. SMITH of Georgia. I stated that I would object to unanimous consent being given at this time, but would not at 2 o'clock. I object now because I think we ought to consider the calendar under Rule VIII. There are a number of bills on the calendar which can be disposed of in a few minutes; but at 2 o'clock I would be in favor of the unanimous-consent agreement.

Mr. LODGE. The consideration of those bills on the calendar requires unanimous consent.

Mr. SMITH of Georgia. But a great many of them can be disposed of in five minutes.

Mr. LODGE. If Senators can get unanimous consent.

Mr. SMITH of Georgia. There are a great many of them to which there is no objection, and in a little over an hour we can get rid of a number of them; and at 2 o'clock I will be in favor of taking such action as is necessary to insure a vote on the tariff bill, and, if necessary, I will join in voting for a cloture to force a vote on it.

The VICE PRESIDENT. The calendar under Rule VIII is the next order of business.

Mr. SMOOT. Mr. President, on last Monday the Senate reached, under Rule VII, Calendar No. 630.

The VICE PRESIDENT. Is there any objection to commencing at that point? The Chair hears none.

FORCIBLE ENTRY AND DETAINER.

The Senate resumed the consideration of the bill (S. 4746) to amend the act entitled "An act to establish a Code of Law for the District of Columbia, approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, in relation to forcible entry and detainer."

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is, Shall the bill be passed?

The bill was passed.

Mr. POINDEXTER subsequently said: Mr. President, in the case of Calendar No. 630, Senate bill 4746, I move a reconsideration of the vote by which the bill was passed and ask that it lie over under the rule.

The PRESIDING OFFICER. The motion to reconsider will be entered.

Mr. UNDERWOOD. I do not recognize the bill by number, and I would like to ask the Senator to state what it is about.

Mr. POINDEXTER. It is the District rent bill.

Mr. WALSH of Montana. Mr. President, I ask unanimous consent that we recur to Calendar No. 630 for the purpose of disposing of the motion to reconsider.

The PRESIDING OFFICER. Is there objection?

Mr. POINDEXTER. I object.

VOCATIONAL REHABILITATION.

The bill (S. 4643) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, be hereby amended to read as follows:

"Sec. 2. That every person enlisted, enrolled, drafted, inducted, or appointed in the military or naval forces of the United States (includ-

ing members of training camps authorized by law), or in the military or naval forces of any ally of the United States in the late war, if a citizen of the United States immediately prior thereto and having resumed such citizenship if lost by reason of any oath or obligation taken for the purposes of entering such allied service, who, since April 7, 1917, has resigned or has been discharged or furloughed therefrom under honorable conditions, having a disability, in the judgment of the board, constituting a vocational handicap, or of a degree of 10 per cent or more, incurred, increased, or aggravated while a member of such forces, or later developing such a disability traceable, in the opinion of the board, to service with such forces, and the widow or child of any such person whose husband or father has died since April 7, 1917, as a result of an injury or disability incurred, increased, or aggravated while a member of such forces, or traceable, in the opinion of the board, to service therewith, shall be furnished by the said board, where feasible, such course of vocational rehabilitation or vocational and general education as the board shall prescribe and provide: *Provided, however,* That no widow shall be entitled to the benefits of this section in the event of her failure to commence a course as herein provided prior to January 1, 1925, or in the event of her remarriage: *And provided further,* That no course of vocational or general education shall be furnished hereunder to any child under 14 years or over 18 years of age.

"That the board shall have the power, and it shall be its duty, to furnish the persons included in this section suitable courses of vocational rehabilitation or vocational and general education, to be prescribed and provided by it; together with such medical service and treatment during the period of training as in the judgment of the board shall be necessary; and every person electing to follow a course shall, while following the same, be paid monthly by the said board from the appropriations made by the Congress for carrying out the provisions of the vocational rehabilitation act such sum as in the judgment of the said board is necessary for his maintenance and support and for the maintenance and support of persons dependent upon him, if any: *Provided, however,* That in no event shall the sum so paid an adult, without dependents, while pursuing a course, be more than \$100 per month, or an adult, with dependents, \$120 per month plus the several sums prescribed as family allowances under section 204 of article 2 of the war risk insurance act, nor shall the sum so paid on account of any child pursuing a course be more than \$50 per month: *And provided further,* That payments made for the support and maintenance of any child pursuing a course as herein provided shall be made to his legally appointed guardian or curator, or in the event no person shall have been so appointed the board may, in its discretion, make such payments to the parent or other person having the care or custody of such child during his period of training hereunder. The term 'child' as used herein shall include a legitimate child, a child legally adopted prior to November 11, 1918, a stepchild, or an illegitimate child, if the deceased father had been judicially ordered or decreed to contribute to such child's support at any time.

"No compensation under article 3 of the act entitled 'An act to amend an act entitled "An act to authorize the establishment of a bureau of War Risk Insurance in the Treasury Department," approved October 6, 1917, or any amendment thereof, shall be paid for the period during which any such person is being furnished by said board a course and support as herein authorized: *Provided, however,* That in the event any person pursuing a course is entitled under said article 3 or any amendment thereof to compensation in an amount in excess of the payments made by the said board for his support and the support of his dependents, if any, the Bureau of War Risk Insurance shall pay monthly to such person such additional amount as may be necessary to equal the total compensation due under said article 3 of said act or amendment thereof.

Mr. SMOOT. The same subject matter is now before the Finance Committee, with a view of consolidating a number of bills on the same subject, as they can not be disposed of to-day, so I ask that this bill may go over.

Mr. KENYON. Mr. President, I think the Senator from Utah is mistaken if he is referring to Senate bill 4643. I want to explain the bill, and I do not think there can be any objection to it when it is understood.

It is a bill for the amendment of the vocational training law for the soldiers of the last war; it is reported by the Committee on Education and Labor unanimously, is indorsed by the American Legion, and is one of the measures the soldiers are asking for. It provides changes in the law for their benefit.

It changes the law in only four respects. First, as the law now is if American boys went into other armies, for instance the Canadian Army, and were injured, they can not receive vocational training here. There were many American boys in the other armies. I know that at the charge at Vimy Ridge there were 7,000 American boys who went up that hill and helped to capture Vimy Ridge. If any of those boys were injured so that they would have a vocational handicap, they could not receive vocational training in the United States; they would have to go to Canada for the training.

The second point is that the widows of men who were killed in the war would, under the amendment we are proposing, be entitled to vocational training. I am unable to say how many of them there would be. I think there are some 20,000 receiving compensation from the bureau now.

The third point is that medical attention would be given to the boys who are in training during the time they are in training. That can not be done now.

The fourth point, which is more complicated, and which I have therefore kept until the last, is that under section 2 of the act soldiers who have a vocational handicap can receive vocational training with maintenance. Under section 3 soldiers can receive vocational training without maintenance, if they are entitled to compensation. Under the war-risk insurance act they are entitled to compensation if they have a 10 per cent disability.

Occasions have arisen where men have been injured in exactly the same way, having practically the same injury, and in one instance they would be entitled to vocational training with maintenance, and in the other without maintenance, because it might not amount to a 10 per cent disability.

We have filed a report, which I think is rather interesting, setting forth this situation clearly, and showing where two men having the same injuries, how in one case the man could have vocational training with maintenance, and in the other without maintenance. That leads to irritation. It is one of the things the soldiers do not like.

Those are the four points, Mr. President, which are covered in these amendments, a substitute for section 2 of the old act.

Mr. SMOOT. Mr. President, this bill is another illustration of the fact that Congress must consolidate the Vocational Training, the Public Health Service, and the War Risk Bureau. To-day they are all working at different angles and undertaking to reach, in some cases, the same point, but in different ways and under different control. The House has passed a bill with a number of these provisions in it. That bill is now before the Finance Committee of the Senate. If this bill passes, being a Senate bill, it will go over to the House, and the House will simply say, "We have acted upon the matter already."

I have not any objection to the bill itself, if the Senate wants to pass it and send it over to the House, but I take this occasion to state that sooner or later Congress will have to place these three agencies of the Government under one control.

Mr. KENYON. That is true.

Mr. ROBINSON. Mr. President, even if the statement just made by the Senator from Utah is correct—and I believe it is—that in the course of time these activities will, in the interest of the sick and disabled soldiers, be consolidated under one control, there is no justification for Congress in deferring the benefits of this proposed measure to former service men until Congress chooses to act on the measure the Senator from Utah has in mind. I believe the bill ought to pass, and that it ought to pass now.

Mr. SMITH of Georgia. Mr. President, I think we will all agree with the Senator from Utah that something ought to be done toward consolidating these various agencies, but in the meantime the committee of which the Senator from Iowa [Mr. KENYON] is chairman had this bill before it, studied the subject, believed that it temporarily, at least, simplifies the work, and does justice at certain points which the present legislation does not reach. The committee unanimously approved the bill, and I hope the Senate will pass it pending the accomplishment of a still greater good along the lines suggested by the Senator from Utah.

The PRESIDING OFFICER. The bill was reported with an amendment, which will be stated.

The amendment was to add, at the end of the bill, the following additional proviso:

Provided further, That any person authorized under the provisions of this act to take vocational training must make application therefor within 18 months from the time this present act in the nature of an amendment to section 2 becomes effective.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGE IN WEST VIRGINIA.

The bill (S. 4516) providing for the appointment of an additional district judge for the southern judicial district of the State of West Virginia, was announced as next in order, and was read, as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the southern judicial district of the State of West Virginia, who shall possess the same power, perform the same duties, and receive the same compensation and allowances as the present judge of said district.

SEC. 2. That whenever a vacancy shall occur in the office of the district judge for the southern district of West Virginia, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in the said district.

Mr. THOMAS. Let the bill go over.

Mr. NELSON. Mr. President, I would like to make a brief statement with reference to the bill. The district judge in the southern judicial district of West Virginia has been paralyzed and incapacitated for more than a year, the docket is congested, and all business in the court is in a state of stagnation. For the last year two circuit judges have been obliged to attend and hold the district court in the southern district of West Virginia. The judge is in a sanatorium, perfectly helpless, with no pros-

pect of his recovery. The bill simply provides for an additional judge, who is to remain on the bench and preside, and when the district judge dies or retires or leaves the bench this man will take his place. It does not increase the number of judges. It is a case of great urgency, and I trust there will be no objection to the consideration of the bill.

Mr. THOMAS. If the Senator is sure that his last statement, that is, that upon the death of the invalid judge this appointee will simply take his place, and that it will not result in the appointment of a second judge, I shall withdraw my objection.

Mr. NELSON. It does not involve a permanent increase. This judge simply is to act while the other judge is disabled. There will not be an additional judge when he retires or dies.

Mr. THOMAS. I withdraw the objection.

There being no objection the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OSAGE CIVILIZATION-FUND CLAIM.

The bill (H. R. 6221) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the Osage civilization-fund claim of the Osage Nation of Indians against the United States, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the claim of the Osage Tribe of Indians against the United States for moneys due, arising out of the sale of Osage lands under the treaty of September 29, 1865, proclaimed January 21, 1867 (14 Stats. L., 687), shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for the amount due or claimed to be due said tribe from the United States for the misappropriation of any of the funds of the said tribe, or for the failure of the United States to pay the tribe any money due under said treaty; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine, as right and justice may require, and as upon a full and fair arbitration, the claim of said tribe against the United States, notwithstanding lapse of time or statutes of limitation, and also any legal or equitable defense, set-off, or counterclaim, including gratuities, which the United States may have against said Osage Tribe, and to enter judgment thereon: *Provided*, That if it be found that the United States Government has wrongfully appropriated any part or parcel of the lands or the funds of said Osage Tribe of Indians, judgment for damages in respect thereto, if any, shall be confined to the value of the land, or the amount of funds, at the time of said appropriation, together with interest at the rate of 5 per cent per annum thereon to the date of the decree of the Court of Claims rendered in respect thereto, less any legal or equitable set-offs or counterclaims, including gratuities, which the United States Government may have against the said Osage Tribe of Indians. The judgment of the Court of Claims in this matter rendered, when satisfied, shall annul and cancel all claims and title of said Osage Tribe in and to said lands and funds, as well as all other matters and things adjudicated and authorized to be adjudicated by the Court of Claims, as herein provided. Such action in the Court of Claims shall be presented by a single petition, to be filed within two years after the passage of this act, making the United States party defendant, and shall set forth all the facts on which the Osage Tribe of Indians bases its claim for recovery; and the said petition may be verified by the authorized attorney or attorneys of the tribe, employed under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information or belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence. Whatever moneys may be found to be due the tribe under the provisions of this act, less attorney's fees, shall be segregated and placed to the credit of the individual Indians: *Provided further*, That the Court of Claims shall decree such fees as the court shall find to be reasonable to be paid to the attorney or attorneys employed by the tribe, and in no case shall such fees exceed the amount stipulated in the approved contract nor amount to more than 10 per cent of the amount and value of the judgment recorded in said cause.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN NATIONAL RED CROSS.

The bill (S. 4826) to amend section 5 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 5 of the act for the incorporation of the American National Red Cross, approved January 5, 1905, be, and the same hereby is, amended so that the executive committee of the central committee shall consist of nine instead of seven persons, five of whom shall be a quorum.

SEC. 2. That this act shall take effect immediately.

Mr. NEW. Mr. President, I would like to state with reference to this bill that its purpose is to increase the number of directors of the American Red Cross from seven to nine in order to make it possible for them to more easily secure a quorum. It is a very difficult matter for them always to secure a quorum of five out of a total directorate of seven. The bill simply adds two in order to make it easier to obtain a quorum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DRAINAGE OF INDIAN ALLOTMENTS, FIVE CIVILIZED TRIBES.

The bill (H. R. 517) amending an act to provide for drainage of Indian allotments of the Five Civilized Tribes, approved March 27, 1914 (38 Stats., 310, Public, No. 77), was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That public act No. 77 (38 Stats., 310), approved March 27, 1914, an act to provide for drainage of Indian allotments of the Five Civilized Tribes, be, and is hereby, amended so as to read as follows:

"That whenever a drainage district is organized in any county in the Five Civilized Tribes of the State of Oklahoma, under the laws of that State, for the purpose of draining the lands within such district, the Secretary of the Interior is authorized, in his discretion, to pay from the funds or moneys arising from any source under his control or under the control of the United States, and which would be prorated to such allottee, the assessment for drainage purposes against any Indian allottee or upon the lands of any allottee who is not subject to taxation, or whose lands are exempt from taxation or from assessment for taxation under the treaties or agreements with the tribes to which such allottee may belong, or under any act of Congress and such amount so paid out shall be charged against such allottee's pro rata share of any funds to his credit under the control of the Secretary of the Interior or the United States: *Provided*, That the Secretary of the Interior, before paying out such funds shall designate some person with a knowledge of the subject of drainage to review the schedules of assessment against each tract of land and to review the land assessed to ascertain whether such Indian allottee, or his lands not subject to taxation, have been assessed more than their pro rata share as compared with other lands located in said district similarly situated and deriving like benefits. And if such Indian lands have been assessed justly when compared with other assessments, then in that event said funds shall be paid to the proper county in which said drainage district may be organized, or, in the option of the Secretary of the Interior, to the construction company or bondholder shown to be entitled to the funds arising from such assessment: *Provided further*, That in any event such assessment on any Indian allotment shall not exceed \$25 per acre, and no such assessment shall be made unless the Indian allottee affected, or his legal guardian, shall consent thereto: *And provided further*, That nothing in this act shall be so construed as to deprive any allottee of any right which he might otherwise have individually to apply to the courts for the purpose of having his rights adjudicated."

Mr. SMOOT. Mr. President, I call attention to line 10, on page 2 of the bill. It does not seem to me to be a proper provision. It provides that—

Such amount so paid out shall be charged against such allottee's pro rata share of any funds to his credit under the control of the Secretary of the Interior or the United States.

That is rather an ambiguous provision. I have never seen words like that used before. I think we ought to strike out the words "or the United States." I move, in line 10, on page 2, to strike out the words "or the United States."

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The proposed amendment will be stated.

The ASSISTANT SECRETARY. The Senator from Utah moves to strike out, in line 10, the words "or the United States," so as to read:

Such amount so paid out shall be charged against such allottee's pro rata share of any funds to his credit under the control of the Secretary of the Interior.

The amendment was agreed to.

Mr. GRONNA. Mr. President, may I invite the attention of the Senator from Oklahoma [Mr. OWEN] to a provision in the bill which I believe in effect would, if adopted in the form in which it now is, accept the statement of any person as to the value or the cost of drainage. Does not the Senator think it would be better that this particular work should be done by the Reclamation Service or by some agency of the United States?

Mr. OWEN. Whatever arrangement is made is made so that the landholders, who are intermingled with these other lands, must consent, and it must be along lines that would safeguard their interests. Besides that, it must meet with the approval of the Secretary of the Interior, who safeguards particularly by his representatives on the ground the interests of all.

Mr. GRONNA. If I heard correctly the reading of the provision, it recites that it can be done by any person having some knowledge of the particular work.

Mr. SMOOT. It does not even go that far. The proviso reads:

That in any event such assessment on any Indian allotments shall not exceed \$25 per acre, and no such assessment shall be made unless the Indian allottee affected or his legal guardian shall consent thereto.

In other words, the bill does not provide any means of finding out beforehand whether the assessment would show that the drainage would be less than \$25 per acre. I think the Senator from North Dakota is right in pointing out that feature.

In other words, if the Indian allottee affected or his legal guardian shall consent thereto, it may afterwards be found through an investigation by some agency that it will cost more than \$25; it may cost \$100; and then the Indian allottee will be against a proposition of it costing not \$25 but it may cost \$100, and it would be impossible for him to pay it. The Senator from Oklahoma [Mr. OWEN] suggests to me that we strike out the provision beginning on line 25, page 2, down to and including

the word "thereto" in line 3, on page 3. I move that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. The Senator from Utah moves to strike out, beginning in line 25, on page 2, the words:

Provided further, That in any event such assessment on any Indian allotment shall not exceed \$25 per acre, and no such assessment shall be made unless the Indian allottee affected, or his legal guardian, shall consent thereto: *And*.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ALBERT H. RAYNOLDS.

The bill (S. 634) for the payment of certain money to Albert H. Reynolds was announced as next in order and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert H. Reynolds, or his personal representatives, out of any money in the Treasury not otherwise appropriated, the sum of \$2,290.49, for and on account of two United States Indian vouchers in the amounts, respectively, of \$907.98 and \$1,382.51, with interest thereon at the rate of 6 per cent per annum in the sum of \$5,634.58, which vouchers were issued on the 26th day of March, 1877, to Dwight J. McCann, an Indian freight contractor, and cashed by the said Albert H. Reynolds, and which said vouchers were allowed for payment by the Commissioner of Indian Affairs on the 2d day of May, 1877, and afterwards refused.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out, in lines 8, 9, and 10, the words "with interest thereon at the rate of 6 per cent per annum in the sum of \$5,634.58."

Mr. SMOOT. I would like to have the Senator reporting the bill or the Senator introducing it make an explanation of it a little more in detail than the report shows. Neither one of the Senators is on the floor at this time, and therefore I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ADDIE MAY AULD AND ARCHIE WILLIAM AULD.

The bill (S. 3737) to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and money of said tribe had been divided, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments.

The amendments were, on page 2, line 4, before the word "acres," to strike out "five" and insert "ten"; in line 10, before "acres," to strike out "five" and insert "ten"; and after the word "mentioned," in line 10, to insert "in full settlement of all allotment rights and back annuities that may be due them," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to ascertain the reasonable and fair value of the 160 acres of land reserved by article 7 of the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and known as the school farm, exclusive of the three buildings known as the office building, mission building, and school building, and such an amount of land not exceeding 10 acres as he deems necessary for school purposes; and he is further authorized and empowered to make a settlement with Addie May Auld and Archie William Auld and to convey to both or either of them said school farm above referred to, exclusive of the three buildings and the tract of land not exceeding 10 acres above mentioned, in full settlement of all allotment rights and back annuities that may be due them. The land conveyed and money found due shall be subject to the same restrictions as were provided in said allotment act. That in order for the Secretary of the Interior to carry out the provisions of this act he be, and is hereby, authorized to use any money now standing to the credit of the Kansas or Kaw Tribe of Indians as a tribe.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FIRST NATIONAL BANK OF NEW CARLISLE, IND.

The bill (H. R. 8881) for the relief of the First National Bank of New Carlisle, Ind., was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the First National Bank of New Carlisle, Ind., agents of the Treasury Department, for the sale of war savings stamps and thrift stamps, the sum of \$923.25, to reimburse said bank for war savings stamps and thrift stamps lost on account of burglary during the month of April, 1918.

Mr. SMOOT. Mr. President, there is nothing in the bill to provide that a bond shall be given to the Government of the United States in twice the amount of the stamps stolen. It seems to me the Government of the United States ought to have some kind of protection by the bank giving a bond for the amount of money paid, so that in case the bonds are turned in or are found in the hands of an innocent purchaser, the Government would be held harmless. I move to insert at the end of the bill the following proviso:

Provided, That a bond be given to the United States in twice the amount of the sum named as security for the money paid by the Government of the United States.

The amendment was agreed to.

The PRESIDING OFFICER. Let the Chair understand whether or not an amendment should be proposed inserting the words "out of any money in the Treasury not otherwise appropriated." It is suggested by the clerks at the desk that the bill should contain those words.

Mr. SMOOT. That amendment ought to be made, and I offer it.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. The Senator from Utah moves to amend, in line 4, after the word "paid," by inserting the words "out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOSE RAMON CORDOVA.

The bill (H. R. 1034) for the relief of José Ramon Cordova was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Jose Ramon Cordova, of Cortez, Colo., \$1,005 for injuries by gunshot while serving as deputy marshal in the arrest of renegade Indians at Bluff City, Utah, February 21, 1915.

Mr. SMOOT. Mr. President, I wish to ask the chairman of the Committee on Claims if the department recommends the payment of the amount carried in this bill?

Mr. SPENCER. No; the department does not.

Mr. SMOOT. I have been trying to find such a statement in the report on the bill, but I do not see it.

Mr. SPENCER. The department has made no recommendation on the bill.

Mr. PHIPPS. Mr. President, I think the Senator from Utah will find in the report a letter of Secretary of the Treasury, Mr. McAdoo. It seems to me this is a very meritorious claim, and I trust there will be no objection to its approval by the passage of the bill.

Mr. SMOOT. Will the Senator from Missouri call my attention to the place at which Secretary McAdoo makes such a recommendation?

Mr. PHIPPS. The Senator will find the Secretary's letter on the last page of the report.

Mr. SPENCER. It is on page 4 of the report. The letter of the Secretary sets out the facts, but makes no recommendation one way or the other.

Mr. SMOOT. I will ask the Secretary to read the letter of W. G. McAdoo, Secretary of the Treasury, which is found on page 4 of the report.

The PRESIDING OFFICER. The Secretary will read as requested.

The Assistant Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 22, 1917.

Hon. E. W. POU,
Chairman Committee on Claims, House of Representatives.

MY DEAR CONGRESSMAN: In reply to your communication of the 6th instant, inclosing, for report thereon, copy of H. R. 18809, Sixty-fourth Congress, second session, "A bill for the relief of Jose Ramon Cordova," proposing an appropriation of \$5,000 to Jose Ramon Cordova for injuries received while serving as deputy marshal at Bluff City, Utah, I have the honor to transmit herewith copy of a report of the Auditor for the State and Other Departments of the 10th instant, stating that said Cordova was employed from February 17 to March 9, 1915, and that the account of Agulla Nebeker, United States marshal, district of Utah, for the quarter ended June 30, 1915, shows that Jose Ramon Cordova was employed as one of a number of posse men engaged in assisting to arrest an Indian named Tse-ne-gat, alias Everett Hatch, indicted for murder by a Federal grand jury in the district of Colorado. The auditor calls attention to House Report No. 137, Sixty-fourth Congress, first session, on H. R. 5729, for the relief of Dr. E. E. Johnson, in which it is stated that Jose Ramon Cordova was seriously wounded February 21, 1915, while in the discharge of his duty and was under the constant care of Dr. Johnson for 26 days thereafter.

It is suggested that the Department of Justice may have information relating to the case.

Very truly, yours,

W. G. McAdoo, Secretary.

Mr. OVERMAN. Let that bill go over until I may examine into it.

Mr. PHIPPS. I trust the Senator from North Carolina will not press the objection. It is only a small bill.

Mr. OVERMAN. I wish to look into the question which is involved. There are many people being injured or killed now while performing such duty, and I should like to examine the matter.

Mr. PHIPPS. I trust the Senator from North Carolina will give the matter his attention during the ensuing week, in order that action may be had on the bill before the end of the Congress.

Mr. OVERMAN. I will take the matter up immediately.

The PRESIDING OFFICER. Being objected to, the bill goes over.

ANNIE M. LEPPLEY.

The bill (H. R. 1321) for the relief of Mrs. Annie M. Leppley was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The bill will be passed over.

JOHN K. ASHLEY, JR.

The bill (H. R. 1790) for the relief of John K. Ashley, jr., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay, out of any money heretofore appropriated for the purchase of a site and construction of a building to be used by the Government as a post office and for other purposes at Sandpoint, Idaho, \$40, in full compensation of claim of John K. Ashley, jr., for services rendered and money expended in connection with the preliminary survey and examination of a site that is being considered as the site of such building.

Mr. SPENCER. Mr. President, I desire to suggest to the Senator from Utah that the bill involves only the sum of \$40.

Mr. SMOOT. No objection has been made to the bill.

Mr. SPENCER. I thought the Senator from Utah had objected to its consideration.

Mr. SMOOT. No.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAUDE H. MOSHER.

The bill (H. R. 2740) for the relief of Maude H. Mosher was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TRANSPORTATION OF EXPLOSIVES.

Mr. TOWNSEND. Mr. President, if it will not inconvenience any Senator, I should like to ask unanimous consent that the Senate consider at this time the next to the last bill on the calendar. It is a bill which has passed the other House unanimously, and has been unanimously reported by the committee of the Senate. The bill proposes to amend the existing explosives act by including within its provisions certain high explosives which are now omitted from that act, and which by their use on passenger trains have resulted in many serious accidents. The proposed amendment is simply to expand the present act by a broader definition and a more clear separation of the different classes of explosives which may be carried by passenger trains. It is important that the bill be enacted, and I ask unanimous consent that it may be now considered.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill named by the Senator?

Mr. LENROOT. While the bill may be on the calendar, I do not find it on my file. Probably it was only reported to-day.

Mr. TOWNSEND. No; it was reported several days ago. It was reported last Saturday. If there is objection to its consideration, however, I will withdraw the request.

Mr. LENROOT. I think the bill had better go over.

Mr. BORAH. The bill is on the calendar and is Order of Business No. 692.

Mr. LENROOT. It is on the calendar, but it has not been placed in our files.

The PRESIDING OFFICER. Does the Senator from Wisconsin object to the present consideration of the bill?

Mr. LENROOT. I object to its consideration for the present.

JOSEPH A. PRAT.

The bill (H. R. 3210) for the relief of Joseph A. Prat was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Joseph A. Prat, of New Orleans, La., \$445.89, being the amount of stamps, stamp books, and stamp rolls stolen from him while chief stamp clerk at the New Orleans post office in the month of February, 1915, and thus lost by him without fault on his part, and which amount

was thereafter by him paid to the Government out of his own funds.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEMUEL STOKES.

The bill (H. R. 3522) for the relief of Lemuel Stokes was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Lemuel Stokes, late of Company C, Forty-fifth Regiment United States Colored Infantry, \$300, being commutation money received from him, he having afterwards enlisted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIRST STATE BANK OF KERRVILLE, TEX.

The bill (H. R. 7050) for the relief of the First State Bank of Kerrville, Kerr County, State of Texas, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$494.91, which, upon an investigation and reasonable proof to the Secretary of the Treasury, shall be paid by the Secretary of the Treasury to the First State Bank of Kerrville, county of Kerr, State of Texas, this being the amount of damages sustained by said bank growing out of the loss of war savings stamps or certificates which were mailed by the said Kerrville bank to the Federal reserve bank at Dallas, Tex., and which were lost in transit or in some other manner not known to claimant, but which amount, \$494.91, upon loss of the same, was deducted from the Kerrville bank's certificate of indebtedness by the Federal reserve bank at Dallas.

Mr. SMOOT. Mr. President, I have no objection to the bill if there be added to it an amendment similar to the one added to the bill passed a few moments ago, requiring that bond in double the amount be given as security to the Government of the United States. Therefore, at the end of the bill I move to add the following proviso:

Provided, That a bond be given to the United States for double the sum named as security for the money paid by the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER.

The bill (H. R. 9843) to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Clafin, and Edwin A. Wells was announced as next in order, and was read.

Mr. SMOOT. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SHIPOWNERS & MERCHANTS TUGBOAT CO.

The bill (H. R. 11066) for the relief of the Shipowners & Merchants Tugboat Co. was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the Shipowners & Merchants Tugboat Co. \$2,233.14 for damages to their tug, the *Sea Rover*, when she was run into by the quartermaster steamer *General McDowell*, of the United States Army, on the night of November 21, 1917, off Black Point and between Black Point and Alcatraz Island, in San Francisco Bay, Calif.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. MOORE CO.

The bill (H. R. 11572) for the relief of the John E. Moore Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of the John E. Moore Co., a corporation organized and existing under the laws of the State of New York, and doing business in the city and State of New York, owner of the tug *E. M. Millard*, against the United States for damages alleged to have been caused by collision between the said tug and the United States Navy scow No. 58 in Wallabout Basin, in the navy yard, Brooklyn, N. Y., on the 8th day of August, 1919, may be sued for by the said John E. Moore Co. in the district court of the United States for the eastern district of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the John E. Moore Co., or against the John E. Moore Co. in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided,* That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further,* That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. SMOOT. Mr. President, the provision in regard to entering judgment ought to go out of the bill. In all of the others we have stricken it out, and I ask that it be stricken out of this bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

The READING CLERK. It is proposed to strike out the following words:

And said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the John E. Moore Co., or against the John E. Moore Co. in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal.

Mr. WADSWORTH. Mr. President, may I ask the Senator a question? I have not a copy of the bill before me; but what would then be left for the court to do?

Mr. SMOOT. To find the facts in the case. All of the bills are drawn in the same way.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ALBERT T. HUSO.

The bill (H. R. 12333) for the relief of Albert T. Huso was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Albert T. Huso, of Joice, Worth County, Iowa, \$759.39, in full compensation for his claim for loss by burglary March 12, 1913, and October 2, 1913, from the post office at Joice, Iowa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT H. RAYNOLDS.

Mr. JONES of New Mexico. Mr. President, I was necessarily detained from the Chamber for a while this morning. I ask unanimous consent to revert to Order of Business 640, which is a bill for the payment of certain money to Albert H. Reynolds. There is quite a concise report from the committee, and I think the bill will not lead to any discussion at all.

The PRESIDING OFFICER. The Chair will say to the Senator from New Mexico that that bill was passed over on objection.

Mr. JONES of New Mexico. It was passed over, I understand, owing to my absence.

The PRESIDING OFFICER. Objection was made to the bill, and on that account it was passed over.

Mr. SMOOT. I objected to the consideration of the bill, as I wanted to ask the Senator certain questions. I have no objection to the consideration of the bill, if the Senator desires it, at this time.

The PRESIDING OFFICER. Is there objection to returning to Order of Business 640? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 684) for the payment of certain money to Albert H. Reynolds, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert H. Reynolds, or his personal representatives, out of any money in the Treasury not otherwise appropriated, the sum of \$2,290.49, for and account of two United States Indian vouchers in the amounts, respectively, of \$307.98 and \$1,382.51, with interest thereon at the rate of 6 per cent per annum in the sum of \$5,634.58, which vouchers were issued on the 26th day of March, 1877, to Dwight J. McCann, an Indian freight contractor, and cashed by the said Albert H. Reynolds, and which said vouchers were allowed for payment by the Commissioner of Indian Affairs on the 2d day of May, 1877, and afterwards refused.

Mr. JONES of New Mexico. Mr. President, the facts of the case are very few and very plain.

Back in 1877 Mr. Reynolds was engaged in the banking business out West, and in the regular course of business he cashed a couple of vouchers for some contractors who were furnishing supplies to an Indian agency. Those vouchers in the regular course of business were sent on to the department and were approved by the Indian Office, but were held in that office for two years, and then the vouchers were afterwards sent over to the auditor's office and held in his office for a period of three years longer, making a period of five years that the vouchers were held under approval by the Indian Office, but unpaid. At the end of five years it seems that the person to whom the vouchers had been given in the first place defaulted in a subsequent contract, and the Indian Office then requested the return of the vouchers, and credited the amount of those vouchers upon the default occurring five years after the vouchers were originally issued. Clearly, that was the fault of the department. If the vouchers had been paid in the regular course of business,

Mr. Raynolds would have had his money five years before there was any default whatever on the part of the contractor.

Mr. SMOOT. Mr. President, is it not a fact that Mr. Raynolds acted in violation of section 3477 of the Revised Statutes?

Mr. JONES of New Mexico. I may say to the Senator that that probably is technically true; but the business of that section of the country at that time could not have been transacted in any other way than it was, and although Mr. Raynolds might not have been entitled as a matter of law to consider the vouchers as transferred to him, yet he paid them in the due course of banking business, and as many, many other vouchers were handled at that time. The report of the committee finds all of these facts, and I think Mr. Raynolds ought not only to receive the principal of those vouchers, but he ought to receive interest upon them as well; but it seems to be the practice here in the Senate not to allow interest upon these payments, and at the suggestion of the chairman of the Committee on Indian Affairs we have waived any interest upon the vouchers, and simply ask for payment of the principal.

Mr. SMOOT. Can the Senator tell me why the vouchers were not presented for payment until five years after Mr. Raynolds had purchased them?

Mr. JONES of New Mexico. They were presented for payment immediately.

Mr. SMOOT. This is what the Secretary of the Interior states:

It has heretofore been suggested that Mr. Raynolds might have some equitable rights in the matter, this suggestion doubtless arising from the fact that though the vouchers were presented within a reasonable time after they were purchased, they were not delivered until December 9, 1881, or nearly five years after they were approved in the Indian Office.

Mr. JONES of New Mexico. Oh, they were in the department.

Mr. SMOOT. Let me finish reading it, and then perhaps the Senator will see what I mean. He says:

They were not delivered until December 9, 1881, or nearly five years after they were approved in the Indian Office. * * * However, had the vouchers been paid promptly he would have received his money without question, as Mr. McCann did not default under his contract until several years after he sold the vouchers to Mr. Raynolds.

Mr. JONES of New Mexico. I do not understand how they use the term "delivered" there.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

Mr. JONES of New Mexico. Yes.

Mr. CURTIS. The facts of this case were that the Indian Office had neglected to deliver the vouchers to the proper parties. They had been lost or mislaid in the Indian Office, and stayed there all that time.

Mr. SMOOT. Then the language ought to have been a little more explicit.

Mr. JONES of New Mexico. Yes; the language is unfortunate.

Mr. SMOOT. If the bank had advanced this amount of money in 1877, and had failed for five years to deliver the vouchers to the Government of the United States, I thought the bank ought to go without the money.

Mr. JONES of New Mexico. But the failure to deliver them was the fault of the Government.

Mr. SMOOT. If that is the case, then I have no objection to the passage of the bill.

Mr. JONES of New Mexico. I can assure the Senator that that is the case.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The amendment was, on page 1, line 8, after "\$1,382.51," to strike out "with interest thereon at the rate of 6 per cent per annum in the sum of \$5,634.58."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DULUTH, WINNIPEG & PACIFIC RAILWAY.

The bill (H. R. 12441) for the relief of the Duluth, Winnipeg & Pacific Railway was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to the Duluth, Winnipeg & Pacific Railway, out of any money in the Treasury not otherwise appropriated, the sum of \$25, and appropriates such sum to reimburse the Duluth, Winnipeg & Pacific Railway for custom fine No. 368 erroneously imposed by the collector of customs at Duluth, Minn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILHELM ALEXANDERSON.

The bill (H. R. 12634) for the relief of Wilhelm Alexander-son was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of Wilhelm Alexander-son, of Atlantic City, N. J., owner of the motor boat *Spray*, against the United States, for damages alleged to have been caused by collision between the said motor boat *Spray* and the United States ship *Grebe*, a mine sweeper, which is owned by the Government of the United States and operated by the Navy of the United States, on the 30th day of May, 1919, may be sued for by the said Wilhelm Alexander-son, in the district court of the United States for the district of New Jersey, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Wilhelm Alexander-son, or against Wilhelm Alexander-son in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. SMOOT. Mr. President, beginning on page 1, in line 13, I move to strike out the words "and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Wilhelm Alexander-son, or against Wilhelm Alexander-son in favor of the United States."

Mr. THOMAS. Mr. President, I shall not oppose the amendment; but I should like to inquire of what utility a court can be which is deprived of the power of rendering judgment after inquiring into and determining the facts? It seems to me we would relieve ourselves of an enormous burden of work here if we would transfer to the courts the power not only to take jurisdiction of these matters but to dispose of them.

Mr. SMOOT. All of those are disposed of every year in an appropriation bill. As the judgments are rendered, they come here and are reported, and an estimate is made for them each year to meet those obligations upon a finding of facts.

Mr. THOMAS. Of course, if a judgment is rendered upon the facts, they ought to be paid.

Mr. SMOOT. But we always want to provide an estimate for them, so that we will know whether or not we have the money to pay them.

Mr. THOMAS. I do not object, but it seems to me like a queer practice.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SPENCER. Mr. President, does that leave the matter with authority in the court to make a finding of facts? It is not so stated in the bill. I suggest that the Senator add as a substitute for the words he strikes out the words "to hear said suit and to make a finding of facts therein." Otherwise the bill does not provide anything for the court to do.

Mr. SMOOT. This is a little different from the other bills which have been reported. I have no objection to that amendment being made.

The PRESIDING OFFICER. Will the Senator from Missouri state the amendment in full for the benefit of the Secretary?

Mr. SPENCER. I suggest that, on page 1, line 13, after the word "court" where it first appears, there be added the words "to hear said cause and to make a finding of facts therein."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. WILLIAM B. RYAN.

The bill (H. R. 13600) for the relief of Mrs. William B. Ryan was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Mrs. William B. Ryan, the sum of \$50, the amount lost by her by the theft of same from registered mails sent to her son, Pvt. William E. Ryan, Battery D, Sixteenth Field Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLANCHE WINTERS.

The bill (S. 2682) for the relief of Blanche Winters was announced as next in order and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Blanche Winters, widow of Charles F. Winters, of Kansas City, State of Missouri, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$25,000 as compensation and relief for the loss, by death, on January 11, 1918, at Camp Funston, in the State of Kansas, of her husband, Charles F. Winters, who, while engaged in the discharge of his duty, in conducting the camp bank at Camp Funston, in the State of Kansas, and in protecting the money and funds of the Government of the United States of America and of the soldiers of the United States Army, was killed by Louis R. Whistler, a commissioned officer and captain of Company E, Three hundred and fifty-fourth Infantry Regiment, Eighty-ninth Division, of the Army of the United States.

Mr. SMOOT. Let the bill go over.

Mr. CURTIS. A similar bill has passed the Senate twice for the same amount, and I hope the Senator will not object.

Mr. SMOOT. A bill has passed the Senate twice appropriating \$25,000?

Mr. CURTIS. Yes.

Mr. SPENCER. It has passed the Senate twice.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah withhold his objection?

Mr. SMOOT. I withhold it for the present.

Mr. ROBINSON. This bill was considered at some length by the Senate on a former occasion. The facts are that Mr. Winters was giving his time in the control of a bank for the benefit of the soldiers at Camp Funston. While attempting to defend the funds of the bank he was murdered by an officer with a rank of captain, who procured admission to the bank at the time by virtue of his uniform and insignia. The evidence in the case shows that Mr. Winters acted valiantly and lost his life in an effort to save this fund.

The Senate considered the matter on two occasions, one time incorporating in an appropriation bill a provision to pay the widow the sum of \$25,000, and at another time passing a separate bill for that purpose. The item in the appropriation bill, however, went out in conference, and the separate bill, which passed the Senate on another occasion, did not pass the House of Representatives. It passed the Senate near the end of the session, and, as far as I know, received no consideration in that body.

This bill is a meritorious measure, and it ought to be passed as an act of justice to the memory of a man who lost his life while rendering a valuable and voluntary service to the Government of the United States, and as an act of justice to the widow of a man who fell while defending the funds of the United States. The measure ought to be passed by the Senate.

Mr. SPENCER. Will the Senator from Arkansas state whether it is not true that this man, in the few hours while he lived, was able to give to the Government information which resulted in the Government's recovering from the thief more than \$50,000 of Government money which had been stolen?

Mr. ROBINSON. That is true.

The bill was considered as in Committee of the Whole.

Mr. SMOOT. I have not any objection to a relief bill being passed, but I thought it was rather strange that we should pass a bill for the payment of \$25,000, when the widow of a soldier who goes upon the battle field and loses his life is never given more than \$10,000. I think the man who offers his life for his country and is shot in battle is just as much entitled to recognition by our Government, and in the same amount, as the man who acts as cashier of a bank and is robbed and killed in the robbery. I can not see very much difference between the two.

Mr. ROBINSON. Mr. President, in reply to that suggestion of the Senator from Utah, it is true that in the war risk insurance act we have placed a limitation of \$10,000 on the recovery for the death of a soldier. There is no such limitation respecting the death of civilians, and it is within the province of Congress, in the consideration of a measure of this sort, to pay a reasonable sum as compensation for the death of a man. The evidence before the committee showed that he was exceedingly proficient, that he rendered a voluntary service in the bank, and that he displayed great courage and resolution in his effort not only to protect the fund but to recover it, and I believe that we should put a premium on that sort of conduct.

Mr. SMOOT. Mr. President, I am perfectly willing to give the widow a lump sum of \$10,000, the same that we give to widows of soldiers who are shot to death, but I do not think we ought to pay more than that sum, and I move to strike out "\$25,000" and insert "\$10,000."

Mr. REED. Mr. President, just a word, because if we do not pass this bill in a few minutes, it will not be passed to-day.

This young man lived in my city. He at one time had been a bank examiner and was regarded as one of the most promising young men of that city. His earning capacity for his family was such that \$25,000 is no compensation, viewed from that cold standpoint. I hope the Senator from Utah will not insist upon this amendment, and I call his attention to the fact that the case stands here alone. It is the only instance I know of in the history of our country where a man wearing the uniform of an officer of the United States, because he did wear that uniform, was admitted into a financial institution being run for the benefit of the Government and of the soldiers, and, wearing that uniform, committed a most atrocious assault and murder. As has been said, this young man stood at his post of duty and lost his life, and his life was taken by this Government through its uniformed officer. It is not the case of a man losing his life as a result of one of the casualties of war. It is in a class by itself. No such limit of \$10,000 would be fixed if it were a civil action in the courts against a corporation, except in those States where they fix an arbitrary limit by law. But if in those States where the measure of damages is the loss to the estate, the amount would run far above \$25,000.

I beg the Senator to take into consideration the way this crime was committed. It is not establishing a dangerous precedent, because this case will not be followed by others of a similar character.

Mr. SMOOT. Mr. President, I do not know whether it will be followed by others or not.

Mr. REED. I hope there will be no other such case.

Mr. SMOOT. I hope there never will be another case like it. But it does seem to me that we ought to be fair both to the soldier boys and to private individuals, and I do not see how we could justify paying \$25,000 for the death of this man while we pay only \$10,000 for the death of the soldier who was killed in battle. That is why I offered the amendment, and it is for the Senate to say whether they want to pay more or not. I think it is my duty as a Senator of the United States to keep these things equal, if possible, and it is for that reason that I offered the amendment, and in justice to all concerned I think the amendment should be agreed to.

Mr. WADSWORTH. Mr. President, I do not rise to express an opinion as to whether or not the \$25,000 should be paid, but if the Senate decides to pass the bill, and does pass it, appropriating \$25,000, I give notice that when the calendar is taken up again and Senate bill 4692 is reached, I shall urge against the adoption of the committee amendment to the bill.

In that case a poor old woman in Hot Springs, Ark., was run down by an Army motor truck driven by a soldier in uniform. The motor truck had been condemned as to its brakes, and the experts had advised the Army officer in charge of the motor trucks there not to send that truck out. He nevertheless sent the truck out, and it resulted in the death of a poor old lady. A bill was introduced giving to her heirs the sum of \$25,000, and the Committee on Claims has amended the bill to give her heirs only \$5,000. I shall urge the rejection of that committee amendment.

Mr. REED. Mr. President, consider the difference. The financial loss to the estate in that case was probably a very small sum. Here the breadwinner, the head of the family, a young man of very fine attainments, is gone. In any court a different rule of damages would obtain. I call the Senator's attention to the difference between an act of carelessness and an act of cold, willful, and deliberate robbery and murder, and I call attention to the fact that this man, talking out of the very shadows of dissolution, gave an intelligent description of the murderer, by reason of which over \$50,000 of the money was recovered.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATHAN MANZER.

The bill (H. R. 6301) for the relief of Nathan Manzer, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Nathan Manzer, who was a private in Company G, One hundred and twenty-first Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 26th day of September, 1864: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS P. DARR.

Mr. BORAH. Mr. President, when we were on the calendar last week there was an objection made to the consideration of H. R. 1789 by a Senator who has since withdrawn his objection. I ask unanimous consent to recur to that bill, as it is a matter which has been here a long time, and as there is no objection to it now, it will take only a short time to pass it.

The PRESIDING OFFICER. Is there any objection to returning to Calendar No. 548, House bill 1789?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1789) for the relief of Thomas P. Darr, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas P. Darr the sum of \$830.37 on account of service rendered as mail carrier from Gooding, Idaho, to Corral, Idaho, during the spring and summer of 1907, this amount to be accepted by said Thomas P. Darr as full compensation for service rendered.

Mr. SMOOT. Have the Post Office Department reported favorably on the bill?

Mr. BORAH. Yes; the department have reported upon it favorably. The report states that the closing paragraph of the department's letter is as follows:

This case has been handled in the same manner as other cases of failure to perform service, differing from them only by the failure of the bidder to execute a contract, and the resulting necessity for the refusal of the department to pay for service actually performed. Under the law no other course could have been followed, but in view of the faithful performance of the service by Mr. Darr, under the unfavorable circumstances, as long as he was able to do so, and the unfortunate circumstances of the case which appear to have worked a hardship upon him, the department has no objection to the payment by Congress for the service performed from February 1 to August 12, 1907, which at the rate of pay under the bid would amount to \$830.37.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMERGENCY TARIFF.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 15275.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

Mr. PENROSE. Mr. President, I understand from the ruling of the Vice President that my unanimous-consent agreement proposition is before the Senate. Am I correct in that statement? I asked some time ago to have it read and agreed to.

The PRESIDING OFFICER. The Chair understood that at 2 o'clock the request for unanimous consent would be taken up for consideration.

Mr. PENROSE. Then I ask that we proceed with the call of the roll.

The PRESIDING OFFICER. The Secretary will call the roll to ascertain if a quorum is present.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Henderson	Nelson	Smith, Md.
Borah	Johnson, Calif.	New	Smith, S. C.
Brandegee	Johnson, S. Dak.	Overman	Smoot
Calder	Jones, Wash.	Owen	Spencer
Capper	Kellogg	Page	Stanley
Colt	Kendrick	Penrose	Sutherland
Culberson	Kenyon	Phelan	Swanson
Curtis	King	Phipps	Thomas
Dial	Kirby	Pittman	Townsend
Dillingham	La Follette	Pomerene	Trammell
Fletcher	Lenroot	Ransdell	Underwood
Gerry	Lodge	Reed	Wadsworth
Glass	McCumber	Robinson	Walsh, Mass.
Gooding	McKellar	Sheppard	Willis
Gronna	McLean	Shields	Wolcott
Hale	McNary	Simmons	
Harris	Moses	Smith, Ariz.	
Harrison	Myers	Smith, Ga.	

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Sixty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. PENROSE. I ask that the unanimous-consent agreement be placed before the Senate.

Mr. UNDERWOOD. I think it had better be read again.

Mr. PENROSE. Yes; let it be read.

The PRESIDING OFFICER. The Secretary will read the unanimous-consent agreement submitted by the Senator from Pennsylvania.

The reading clerk read as follows:

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Tuesday, February 15, 1921, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the

bill H. R. 15275, an act imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes, through the regular parliamentary stages up to and including a vote upon its passage.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement?

Mr. UNDERWOOD. I desire to make some inquiries on the subject.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. UNDERWOOD. I did not see the Senator from North Carolina [Mr. SIMMONS] rise. He represents this side on the measure. I did not see that he had risen when I rose in front of him, and I yield the floor to him.

Mr. SIMMONS. Mr. President, I do not desire to interfere with the Senator from Alabama. He is certainly as much responsible as I am for the attitude of this side of the Chamber toward the measure, although I am the ranking minority member of the Committee on Finance.

I wish to say, in connection with the proposition—and it is not my purpose to oppose the request of the Senator from Pennsylvania—that, so far as I am concerned, as ranking minority member of the Finance Committee, and I think I speak for some others on that committee representing the minority, that I have never intentionally offered to the bill any resistance in the nature of obstruction. That has never been my purpose and that is not my purpose now. If a majority of the Senate desire to enact the legislation, I think it ought to have the opportunity to do so. I myself shall do nothing to prevent an expression of the sentiment of a majority of the Chamber upon the question. My only purpose in opposing suggestions that have heretofore been made of imposing a cloture and fixing a day certain for a vote has been in order that there might be secured an opportunity for fair and legitimate discussion of the important questions raised by the different items in the bill.

This is not a small bill. This is a very important bill. It does not deal with two or three subjects. It deals with about 30 different subjects. The report of the committee does not undertake at all to discuss the provisions of the bill. It contents itself with a mere statement of the amendments made to the bill by the Finance Committee. The bill as it came from the House embraced, I believe, either 18 or 19 commodities. The Committee on Finance, without eliminating any of those items, added by way of amendment 11 other items. The 11 items, in my judgment, now constitute the most important provisions in the bill. They are items that will more largely increase the public burden than the other items of the bill. Some of them are items which impose taxes that will have to be paid, while most of the items as contained in the bill as it passed the House, impose taxes that will never be paid, because they are prohibitive and which will operate as an embargo upon the articles involved.

Now, we have not up to this time had any discussion whatsoever, either in the report of the committee or in the speeches that have been delivered, of any of the 31 articles or items except the first item mentioned in the bill, namely, wheat.

Mr. PENROSE. Will the Senator permit me at that point?

Mr. SIMMONS. Certainly.

Mr. PENROSE. The hearings are most voluminous on the different items in the bill.

Mr. SIMMONS. It would not make any difference if the hearings were much more voluminous than they are. That is not the fact which I am discussing nor has that any pertinence to the matter at all. The fact that I am discussing is the absence of any discussion in the Senate of any of the important items, except one, upon which we are imposing tariff duties. We have discussed wheat, and there the discussion has stopped. The 11 amendments of the committee have not been even taken up for consideration. Ordinarily, in the usual course of such bills, the first thing that we do is to take up the committee amendments, which in this case involve 11 important items, and discuss them. But we have had no discussion of the amendments, and no discussion of the items contained in the bill as it passed the House, except the one.

We have been confronted here with repeated requests for a unanimous-consent agreement to vote in a few days. Now, the Senator from Pennsylvania offers a proposition to fix the time for voting on the 15th day of February. Mr. President, I am not prepared to say that if during that time the Senate should devote itself largely to the consideration of this measure it would not afford opportunity for sufficient discussion. I am very much afraid, however, that as soon as the proposed agreement is entered into we shall find that at once requests will be

made that we consider certain measures which are entitled to preference and that we shall enter upon their discussion to the exclusion of the discussion of this tariff measure. I am not sure that under the proposed agreement we are going to have a fair and full opportunity to discuss the bill. I repeat, if we were to devote our time to it, to the exclusion of other matters, I think we should have; but the probabilities are that we are not going to do that; the probabilities are that all sorts of obstacles will be thrown in the way of discussion.

I regard the bill of such importance, I think it so necessary that its different items shall, each and every one of them practically, be thoroughly discussed and thoroughly considered before we take a vote that I wish now to say that while it is not my purpose to oppose the request of the Senator from Pennsylvania, be it an appropriation bill or any other sort of bill, if I can get recognition, to proceed with the discussion of the items of the pending measure; for I think that I, as former chairman of the committee, and other Senators here on this side of the Chamber, representatives of their people, would be derelict in our duty to the country if we were to sit here and permit a vote upon this measure, this important measure, without first seeing that its items are fully discussed and considered.

One of the items of the bill about which we have heard very little upon the floor, there only having been some general statements relative to it, is that of sugar. I undertake to say that the minute this bill is passed the price of sugar, duty paid, at the ports of the United States will at once be 8 cents a pound.

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. PENROSE. I should like to ask the Senator from North Carolina a question.

Mr. SIMMONS. Will the Senator let me finish my remarks on sugar?

Mr. PENROSE. Yes.

Mr. SIMMONS. Eight cents a pound will fix the price of raw sugar in this country. The difference between the price of raw sugar and granulated sugar, especially at retail, in this country is, per pound, at wholesale about 4 cents, at retail at least 5 cents. The pending bill is in practical effect intended to operate as a guaranty by the Government of the United States that the price of sugar, while the proposed law continues in effect, shall not be less than 12 or 13 cents in the retail markets of the country. It is just as surely a guaranty as that which we made as to the minimum price of wheat.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. SIMMONS. I yield.

Mr. THOMAS. Does not that mean an increase to the consumer of between \$350,000,000 and \$400,000,000 per annum?

Mr. SIMMONS. Undoubtedly; and yet, Mr. President, we have been seriously asked to foreclose discussion—to vote upon a proposition of that kind without any opportunity to expose its iniquities and to point out the burden which it will place upon the consumers of the country.

I could go further and show that the effect of the bill will be enormously to increase the tax which the people pay upon the finished product of the woolen and the cotton goods. In one case the bill probably would nearly double the Payne-Aldrich rates; in the other case it would add between 25 and 33½ per cent to the rates imposed by the Payne-Aldrich law. If this bill shall pass, those duties will undoubtedly become effective and the additional rates of tariff will be passed on to the people, involving one of the chief articles of food in this country, one of the necessities of life, and involving articles of clothing, which are equally necessary to life.

There are other duties, such as the duty on wheat. If the bill would do what its proponents declare it will do—what some of the farmers of the country have been led to believe it will do—it would add something over \$3 a barrel to every barrel of flour that is sold in the American market from the day the bill passes until it ceases to operate. The protection, however, the people have in that case is that the bill will never become operative upon imports, as to the proposed duty of 40 cents a bushel on wheat, because that rate will be prohibitive. No wheat will be imported into this country from Canada or anywhere else if this bill passes. When Canadian wheat costs as much to produce as does American wheat, and when Canadian wheat is now selling in the Canadian markets as high as the American wheat is selling in the American markets after eliminating all questions of exchange, nobody believes under those circumstances that Americans would buy Canadian wheat and pay

40 cents a bushel more for it than they would have to pay for American wheat. The wheat provision of the bill will not tax any imports, but the duties upon other commodities will do so.

Mr. President, those I have named are only two or three of the items of the bill. If the other side of the Chamber were fair in this matter, if they were presenting the bill here in a bona fide manner, if they were not playing politics, if they were not seeking to rush the bill through the Senate without consideration; indeed, if they were not afraid of argument, not afraid to meet the opponents of the bill in the forum of reason and conscience, there would be no disposition to cut off debate; there would not have been any from the beginning; there would not be any such disposition now.

I wish to say, therefore, in agreeing, as I am going to agree, so far as I am concerned, to the proposition of the Senator from Pennsylvania, that I do not intend to be foreclosed in the discussion of the matter by the fact that some other measure may become the unfinished business and may come before the Senate. I intend, and I think other Senators here intend, to continue the discussion, day in and day out, from now until the time of voting, in order that we may give our views in regard to the iniquities of the bill, expose the horrible effect it will have in increasing the cost of living in this country, and we shall call attention to the tremendous burdens it is going to place upon the backs of the people already too heavily burdened. If we shall not have had sufficient time to discuss the bill up to the day of the vote, we shall go on, Mr. President, discussing its items after the bill shall have passed until we shall have placed before the people our views as to the iniquities and the pernicious effect of the measure.

Mr. McCUMBER. Mr. President, I should like to ask the Senator from North Carolina if he thinks this bill ought to be voted on during this session? If so, would he be willing to consent to any day on which to vote that will allow sufficient time to enable the bill to get through the House after it shall have passed the Senate, if it shall pass the Senate?

Mr. SIMMONS. I have just said to the Senate in as plain language as I could command that I am not going to oppose the proposition of the Senator from Pennsylvania to vote upon the bill on the 15th day of February.

Mr. McCUMBER. I hope that no other Senator will oppose it. We have now, including to-day, 16 days before the 15th day of February, and, deducting 2 Sundays, leaves 14 days, if we see fit to discuss the bill after 2 o'clock on each day. Of course, we have the supply bills, which we must dispose of, or at least, which we ought to dispose of. I wish to see the supply bills passed and I wish to see the pending bill passed as well. All that Senators on this side are asking is that there may be action by the Senate upon this bill a sufficient time before the 4th day of March, if both Houses of Congress desire to enact it into law, to insure that it may become a law.

I listened with a great deal of interest, of course, to the Senator's discussion of the wheat schedule. I think I understand that question as well as the free-trade Tariff Board understand it. I have listened to their argument and saw the fallacy of it immediately; and if the Senator would not be prejudiced, he could not help but see through the thin veil by which they attempt to cloak their free-trade proclivities. I can give the Senator an illustration. They seem to attempt to show that Canadian wheat could not be sold to advantage in the United States because the Canadian price, after deducting the difference in exchange, would be about the same as the Minneapolis price if the wheat were sent to Minneapolis, or the same as the Duluth price if it were sent to Duluth. In Heaven's name can not the Senator understand that what we are complaining of is that American wheat is forced down to the Canadian price? Does any sane human being suppose for a single moment that if the wheat were worth \$1.50 a bushel in Minneapolis and \$1.50 a bushel in Canadian currency on the other side of the line, and there were a difference of 17½ cents in our favor in the matter of exchange, anyone would buy the North Dakota or the South Dakota or Minnesota wheat and pay 17½ cents a bushel more than he would have to pay for the Canadian wheat? Certainly not. The moment that Canadian wheat can be brought into the United States under a rate of exchange representing a difference of from 17 to 27 cents a bushel in our favor, of course our price will be driven down as low as the Canadian price. No one would buy Minnesota or North Dakota or South Dakota if he had to pay for it a greater price than he would have to pay for the Canadian wheat. That is just what we are complaining of—that the American and the Canadian prices are the same; that they are brought down to the same level by the law of supply and demand plus the difference of exchange. It would seem that

even the free-trade Tariff Board would be able to see that distinction.

We are able to meet any argument upon the wheat situation. The Senator complains that we have not discussed each feature of the bill. Why? Because it became apparent that if we opened the argument on our side on each one of the items it would probably take, with the delay that would be sought, longer than the 4th of March before we could get the bill through. There is before every Senator the record of the testimony upon which the report of the bill is based. That record is full, complete, and adequate, and justifies, in our opinion at least, the action of the committee.

Mr. SIMMONS. Mr. President, does the Senator mean to say that because the committee held hearings and those hearings have been voluminous the Senate should resort to those hearings and forego any discussion on the floor of the Senate?

Mr. McCUMBER. They are not so voluminous but what each Senator can read them.

Mr. SIMMONS. Suppose—

Mr. McCUMBER. Just a moment—and he will get more information out of them, in my opinion, than he will out of any discussion in the Senate Chamber.

Mr. SIMMONS. Then I will ask the Senator if there is any necessity, upon that theory, for discussion upon any matter upon which a committee of the Senate may have had hearings?

Mr. McCUMBER. Oh, yes; there may be some things that require a long investigation and a great deal of expert testimony; but the testimony in this case is boiled down. It is direct. It is only on a few items, and any Senator can take it and in a very short time arrive at a conclusion as to what the testimony means upon each feature of the case. In addition to that, the House made a report upon each of the items contained in the bill as it passed the House. If we thought on this side that it would not delay the bill to such an extent that we would not be able to put it through, undoubtedly we would ask those Senators best able to discuss each item to discuss it before the Senate.

Mr. SIMMONS. So far as the argument of the Senator is concerned, it seems to me to resolve itself into this—that wherever any committee charged with the consideration of a bill which has been referred to it has held extensive hearings, that eliminates all necessity for debate upon that question when it comes before the Senate; that Senators should address themselves to reading the hearings to become informed about the subject, and should not give the country the benefit of the conclusions which they reach after reading the testimony. Of course, in tariff bills the hearings are always very voluminous. The hearings are going on over in the House now, preparatory to the framing of general legislation. They will go on for weeks, and, I understand, for months longer. Probably that body will not begin to frame the proposed legislation until early in the days of the extra session next April. The Members over there in the House will devote their time between now and then to hearings. Then, when the bill comes over here, it will be referred to the Finance Committee, and the Finance Committee will duplicate those hearings. If we shall follow the precedents in that respect, we shall probably spend five or six weeks in the hearings. Now, if the Senator's position is logical and correct, with all of those hearings in the archives of the Congress, we should not have any discussion in the Senate, but should proceed to vote without discussing the voluminous evidence that has been taken, without giving the people of the country the benefit of our views with respect to those questions.

Mr. McCUMBER. Of course, that is what the Senator assumes that I am advocating. As a matter of fact, I am advocating nothing of the kind.

Mr. SIMMONS. The Senator says the House committee has made a report upon the House bill. It was a report, but not much of a report, Mr. President. It was "a very little baby," to say the most of it. But the Senate committee added 11 different subjects of taxation to it, in the aggregate much more important than the items in the aggregate in the House bill, in my judgment, and did not utter one word in defense of any one of those items; and up to this time the proponents of this bill have not undertaken to really defend in open debate a single item out of the 30 in this bill except the item of wheat.

Mr. McCUMBER. Mr. President, I might complain with a great deal more justification that Senators took all day last Saturday in discussing several subjects entirely outside of this bill, and never once alluded to a single item that was in the bill, or to the bill itself. I should have been very much pleased if they have objections to these items on which the Finance Committee has recorded its conclusion, at least, if its conclusion is thought to be erroneous, if those who think it is erroneous

would explain to the Senate wherein the error lies. The Senators on the other side have discussed only one feature of the bill, and yet they have taken most of the time in the discussion.

Mr. OWEN and Mr. SIMMONS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I will yield first to the Senator from North Carolina, and then I will yield to the Senator from Oklahoma.

Mr. SIMMONS. Mr. President, I want to say that the burden of sustaining legislation, as in the case with the burden of sustaining an action in the courts, rests upon the proponents of the measure. It is not sufficient for a committee to come in here and present us a written bill, and say, "Because we have put these provisions in this bill you ought to accept them. That was the judgment of a majority of the committee, and you ought to accept these provisions. We are under no obligations to defend them. We are under no obligation to show that they make for the welfare of this country and do not make for its injury."

Mr. McCUMBER. The Senator says that they do not make for the welfare, but make for the injury of the people. Let the Senator go on and show wherein they are injurious to the people. I simply want a discussion of the matter. I simply want a final vote upon the question—nothing more.

Mr. SIMMONS. The Senator is evading and dodging the issue. The issue that I present to the Senate is this: The proponents of this bill propose this legislation, radically changing the tariff policy and the tariff rates, measured either by the present law or by the Payne-Aldrich law, and it is incumbent upon them to assume the burden of showing that the legislation which they propose and have brought out of the committee is justified and warranted in the public interest. They have not done that. They have not attempted to do it, except as to one item; and, of course, after waiting a reasonable time for them to enter upon a discussion and defense of the other items of the bill, we on this side, believing the legislation unwarranted and unjustified by the conditions, and harmful, even destructive in some cases, of the inherent rights of the people of this country, have naturally undertaken here to expose the defects of this measure, and to show that it is not in the public interest, but that it is against the public interest.

The Senator says that in the course of our efforts to do that we have taken up some time, and that other matters have been injected into the discussion. Mr. President, I undertake to say that while other matters have been injected while this matter of the unfinished business was before the Senate, not more extraneous matter than is usual under such circumstances has been injected. Every Senator here knows that when we are discussing tariff measures, financial measures, economic measures, however important, Senators are in the habit of exercising their right under the rules of the Senate of constantly interrupting and discussing extraneous matters. That is no new thing. It has not occurred in this case to a greater extent than usual.

Mr. McCUMBER. No, Mr. President; it is not any new thing. I admit that it is not a new thing; but I wish the Senators would stop indulging in it, even if it is an old thing, and discuss this bill.

Mr. SIMMONS. That practice, so far as it applies to this bill, is not confined to Members on this side, to the opponents of the legislation. Senators on the other side, advocating and supporting the legislation, have injected extraneous matters into the discussion. They had a right to do it in conformity to the well-known practice of the Senate. We have discussed on this side more than the wheat proposition, but on the other side they have not discussed more than the wheat proposition. We have, however, just entered upon the threshold of this discussion, Mr. President. As I said, there are embraced in this bill 30 items, each of them deserving discussion. Each one of them must have discussion. If we do not get through with the discussion of the items by the 15th, when, under this agreement, we are to vote—and I hope the agreement will be concurred in—then we shall have to go on discussing them afterwards. But I want to ask the Senator a question. I will ask it of the Senator from Pennsylvania; probably that would be proper.

Mr. McCUMBER. The Senator from Pennsylvania has charge of the bill.

Mr. SIMMONS. Is it the understanding that if the unanimous-consent agreement which the Senator asks shall be entered into, this tariff measure will remain the unfinished business, subject, of course, to be temporarily laid aside by unanimous consent?

Mr. PENROSE. That would be my thought and my understanding with my colleagues on the Finance Committee.

Mr. SIMMONS. That is my understanding of it, and I wanted to know that that is the understanding upon which we act, if we adopt this agreement.

Mr. PENROSE. Most positively.

Mr. TOWNSEND. Mr. President, may I interrupt the Senator? Does the Senator understand by that that it would be contrary to the spirit of this unanimous-consent agreement if, for instance, I should move to take up the Post Office appropriation bill?

Mr. SIMMONS. That would displace this bill as the unfinished business. It would lose its place. It would not be against the spirit of it if the Senator should ask unanimous consent to lay aside temporarily the unfinished business.

Mr. PENROSE. My thought would be that I should ask unanimous consent to lay aside temporarily the unfinished business.

Mr. OWEN. Mr. President—

Mr. McCUMBER. I yield to the Senator from Oklahoma.

Mr. OWEN. I only wanted to say this in regard to the request of the Senator from Pennsylvania for unanimous consent to vote on the emergency tariff bill on February 15:

In my judgment, the people of the United States have given a mandate to the Republican Party to pass the legislation which the Republican Representatives and Senators deem necessary for the welfare of the country. I do not think the Democratic minority has a moral right, nor do I think it ought to have a legal right or the parliamentary power by filibuster, to obstruct the right of the American people to legislate through the majority of their chosen representatives. As far as I am concerned, I shall support the Republican leaders in their right to pass such legislation as they think proper, although I may not and do not approve the legislation itself. I shall not indulge in any participation in delaying the matter, and I think the unanimous consent requested by the Senator from Pennsylvania ought to be given. If those Senators who want to express their opposition views do so within a moderate length of time, they can present every possible objection; but I have observed when long speeches are made in the Senate that the Senate chairs are uniformly vacant. Long speeches do not serve to impress the minds of Senators and either enlighten or persuade them. Long speeches only serve to delay the wheels of government and prevent legislation. If it should become necessary to do so, I shall support cloture.

I do not discuss now the merits of the measure. I believe the measure, if passed, will be disappointing to its authors and sponsors, but they are authorized by the American people to legislate, and I think a proper loyalty to majority rule forbids me to support minority rule, which a filibuster involves.

Mr. McCUMBER. I wish to say to the Senator from Oklahoma and to the Senator from Louisiana that this is not a partisan question; it is not a sectional question in any respect whatever. The great Southern Tariff Congress, the names of whose vice presidents I read the other day—every vice president the governor of one of the Southern States—meeting at Atlanta the other day, holding their convention, passed a strong resolution favoring this particular bill. I read from a clipping from the Washington Post of yesterday showing some of the action of this southern congress. The article is headed, "Southerners ask full protection," and reads in part as follows:

Congress was asked to enact a permanent tariff law with protection for the industries mentioned, and southern and western Senators were urged to join in aiding in the passage of the Fordney emergency tariff measure.

I think the Senator from Mississippi [Mr. HARRISON] has the resolution, so far as it relates to this particular bill. I tried to get a copy of the resolution, but possibly the Senator from Louisiana [Mr. RANDELL] has it, and if so I hope he will read it to the Senate.

Mr. RANDELL. I was going to ask the Senator to yield so that I might read the resolution, and if he will yield I will be glad to read it.

Mr. McCUMBER. I yield to the Senator from Louisiana.

Mr. RANDELL. This is a telegram from Mr. John H. Kirby, president of the Southern Tariff Association, dated Atlanta, Ga., January 29, 1921, addressed to me in response to a telegram sent him asking him to wire me what resolution had been passed. His telegram reads:

Resolution was as follows: "This convention called by 16 southern governors and composed of delegates from 18 Southern States believes that the prompt adoption of the emergency tariff bill with the Senate amendments will be of very great advantage to southern agriculture and industry, and the president of this convention is hereby instructed to telegraph this resolution to Senators UNDERWOOD, HARRISON, SIMMONS, and others."

The resolution passed unanimously and with applause.

I have another telegram from the same gentleman dated Atlanta, January 29, addressed to me, which reads as follows:

ATLANTA, GA., January 29, 1921.

Hon. JOSEPH E. RANDELL,

United States Senate, Washington, D. C.:

The Southern Tariff Congress, attended by delegates representing 40 southern agricultural, manufacturing, and mineral industries, to-day unanimously adopted the following resolution:

"Whereas it has come to the attention of the Southern Tariff Association in convention assembled that it has been charged by Senator ASHURST, Democrat of Arizona, that certain southern Senators are seeking to defeat the Fordney emergency tariff bill by dilatory tactics; and

"Whereas we regard the passage of this measure of vital necessity to save the producers of the South and West from financial distress and ruin: Now therefore be it

"Resolved by this convention, That we most earnestly beg and implore the Senators from the South and West to permit this bill to come to an immediate vote in the Senate; be it further

"Resolved, That we here now express our most solemn protest against any filibuster by either individual Senators or any party on this measure; be it further

"Resolved, That this association at once wire this resolution to all southern and western Senators."

JOHN H. KIRBY,

President Southern Tariff Association.

If the Senator will yield for just one moment further—

Mr. McCUMBER. I yield the floor.

Mr. RANDELL. I would like to say that personally I am in favor of the passage of this bill, and shall vote for it if I get a chance, and the sooner it comes to a vote the better, in my judgment.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. The Chair understands that this debate on the proposed unanimous-consent agreement to limit debate on the bill is proceeding by unanimous consent. The Senator from Ohio is recognized.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. POMERENE. I yield.

Mr. FLETCHER. I want to interrupt the Senator a moment to suggest, in connection with the telegram which was read, that the bill now before the Senate, as it is proposed to be amended by the Senate Finance Committee, is not the Fordney tariff bill at all, but quite a different proposition.

Mr. POMERENE. Mr. President, I hope the request for unanimous consent will not be entertained at this time. I agree with the Senator from North Carolina that this bill has not been discussed as it ought to be discussed. I myself have never believed in a filibuster, but if this request is put to a vote now I shall vote against fixing a day for the final disposition of this bill.

This bill, if passed, is not only a reversal of Democratic policy, as the Senators on this side have understood it, but it is a reversal of Republican policy, as the Senators on the other side of the Chamber have understood it. I referred the other day to the great protectionist of Ohio, McKinley, and I remember that when he was championing a tariff bill through the House he boasted that one of its merits was that it meant the free breakfast table for the workingmen of the country. Now we have the spectacle of a Republican majority trying to tax everything that goes on the table of the workingman.

My good friend the distinguished Senator from North Dakota [Mr. McCUMBER] tells the Senate how perfectly simple this question of the tariff upon wheat is. He understands it thoroughly, but I think he is the only Senator who understands his own argument. I shall not discuss that question with him now; I may at some later time.

Mr. President, when I pick up this bill I find a duty on wheat of 40 cents a bushel, on corn of 15 cents a bushel, on beans of 2 cents a pound, on peanuts of 3 cents a pound, on potatoes of 25 cents a bushel, on onions of 40 cents a bushel, on rice of 2 cents a pound, on lemons of 1½ cents per pound, on oils of 26 cents per gallon, on cattle of 30 per cent ad valorem, on sheep of \$2 a head, on fresh mutton and lamb of 2½ cents a pound, on fresh beef of 2 cents a pound; and so I might go on to enumerate other articles that go on the breakfast table. Let me refer to a few more of them. I find a duty on butter of 8 cents a pound, on cheese of 8 cents a pound, on fresh milk of 2 cents a gallon, on cream of 5 cents a gallon, and so on.

Mr. President, what means all this? I have the honor, in part, to represent a State that is both industrial and agricultural. I know there are some farmers who are asking for these duties, but most of them are silent on the subject, if they have any view whatsoever upon it. I recall the prices which have been obtained for all of these articles which go on the breakfast table. I know that as a rule during the last four or five years the farmers and everybody else have been prosperous. I realize that there is a depression now, seriously

affecting the agricultural interests of the country; but it is not affecting them any more seriously than it is affecting the miner or the manufacturer—

Mr. THOMAS. Or the laborer.

Mr. POMERENE. Yes; and, as the Senator from Colorado suggests, the laborer. That reminds me, Mr. President, that I have been trying to collect some data myself with respect to the labor conditions in Ohio. I sent out a questionnaire to every chamber of commerce and to every central labor union in the cities of 10,000 and over in my State, and word comes back from nearly every one of these industrial centers that about 40 per cent of the workingmen of the country are out of employment; and now, with that situation confronting us, the Congress of the United States seeks to place a heavy tax upon everything which goes on the workingman's breakfast table.

The newspapers last week carried the information that in the industrial city of Toledo there was a bread line of 2,000 men, and the civic authorities not only gave them their breakfast but gave them baskets to carry home to the famished ones there. Yet the Congress seeks to put a duty upon milk, butter, bread, meat, and eggs.

Mr. President, at the proper time I will not oppose a vote on this bill, but I warn Republicans that if you fasten this bill upon the American people it will be "the handwriting on the wall" for you.

Oh, Mr. President, I think almost everyone recognizes the fact that this country has become so large that we can not live unto ourselves alone. The great McKinley in his last speech at Buffalo said that we were a world power, and he spoke then in favor of a policy of reciprocity. I do not recall the exact words at this moment, but now, when we have become the great creditor nation of the world, when we are seeking markets for our surplus products everywhere, when we have an international commerce never before known in the history of this country or any other country, are we to adopt a policy which is going to estrange every one of our neighbors?

I have in my hand here a letter which came to me the other day from a distinguished Canadian, a newspaper man, whom I do not know personally, but who some years ago began to write me an occasional letter, and I have answered. The other day I received this letter. I do not feel free to give his name, but I am going to read a part of the letter to the Senate. Referring to the Fordney emergency tariff bill, he said:

The bill, if passed, would fan into a furious flame the always smoldering embers of mistrust and dislike of the United States which prevails in this country.

Why this dislike, amounting almost to hatred, does exist it would take a long time to explain. The subconscious reason, I think, is that Canada's anomalous position, neither a colony nor an independent nation, a New World country in fact, but from an international standpoint the possession of a European power, causes many people to believe, and a still greater number to pretend to believe, that she is in danger of annexation by the United States, and that the United States Government is constantly plotting to that end. The Laurier government was defeated in 1911 on the "Under which flag" cry. The discount of the Canadian dollar in the United States and the overwhelming balance of trade in favor of the United States have caused more or less uneasiness. The present bill is interpreted by the papers and politicians here as an unfriendly act, designed to prohibit Canada exporting products to the United States. A member of Parliament in my hearing the other night declared its purpose to be the crippling of Canada financially, so as to force her into annexation. The result of the bill's passage will be a demand in this country for retaliatory legislation.

I lived for nearly 40 years in the United States without knowing, except as a geographical fact, that Canada existed. I knew there was such a country, just as I knew another part of the map was marked "Patagonia." I can therefore realize that it would awaken only a languid interest among many Congressmen and millions of people in the United States to learn that Canada or the Canadian people had resolved upon any course of action. But having lived here for a good many years, I am utterly amazed that American statesmen should so minimize or overlook the growing importance of this country, a country that may within a reasonable time attain to a population of 50,000,000 people, and will ultimately have as big a population as the United States has to-day.

I could elaborate this a good deal, for the situation here in Canada has to be considered from many standpoints. That the United States has been an unfriendly neighbor is beyond question, but not to the extent or with the malevolent design that so many Canadians have been led to believe. This present bill is interpreted here as a cruel and wanton attempt to pick a quarrel at a time when Canada is trying to pick herself up after the terrible losses in men and money occasioned by the war. Parliament opens on the 14th, and I look for immediate reprisals if by that time Congress has passed what may be fairly interpreted as unfriendly legislation. The United States, of course, has a legal right to blacklist Canada, but Canada has the legal right to start a retaliatory boycott.

Mr. President, knowing my friend the Senator from North Dakota as well as I do, of course I acquit him of entertaining at any time a feeling of bitterness toward Canada. I recognize that from his standpoint he is looking at it from what he feels to be the American interest, and that alone. I could not if I would, and would not if I could, attribute any other motive to

him, but it must be borne in mind that there are reciprocal relations between Canada and the United States, and in my humble judgment we have more to lose by this kind of legislation than we will gain.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Ohio yield to the Senator from North Dakota? Mr. POMERENE. I yield.

Mr. McCUMBER. If, as is contended on the other side of the Chamber by a great many who are discussing the subject, the Canadian gets no better prices in the United States and no advantage by shipping his grain to the United States than he would get by shipping it to Liverpool, then why is this measure going to hurt Canada in the slightest degree? Of course, I think the Canadian will not agree with that. I think the Canadian will get a better price if he can ship it here.

Mr. POMERENE. I have heard my good friend from North Dakota discuss the question so often, and I know with such sincerity on his part, and at the same time, I think, with such gross error on his part, that I am afraid he and I can not get together at all.

Mr. McCUMBER. I do not wish to get together on the argument; I simply wish to know why, if there is no advantage to the Canadian in sending his wheat into the United States, he would suffer by the bill.

Mr. POMERENE. I have no doubt he has some advantage, but so has the United States some advantage. It is a benefit to our mills; it is a benefit to our railroads; it is a benefit to our transportation system; it increases our commerce with Great Britain. That is all. But so far as the ultimate price of the wheat is concerned, it does not benefit the farmer of the United States to keep it out. That is my position.

Mr. McCUMBER. Then how does it hurt the Canadian?

Mr. POMERENE. It benefits the Canadian perhaps because he has a closer market, because we have better milling facilities, and because he can convert his wheat into money perhaps more quickly than he could if he were to send it direct to Liverpool.

Mr. McCUMBER. But if it does not increase the price of grain to the American farmer, then how is it adding a tax to the workingman?

Mr. POMERENE. It adds to the price to the workingman because the tariff is always used by the retailer as an excuse to boost the price, as everyone knows who has looked into the subject.

But I did not intend to discuss the matter at this length when I took the floor. I shall oppose the fixing of this date for a vote now. The vote may be had later if desired, and I shall simply be content to record my vote against it.

Mr. PENROSE. Mr. President, every moment it is becoming more obvious to me that there is no intention on the part of a certain group on the other side of the Chamber to permit the so-called emergency tariff bill to become a law. I feel that I have made every effort this afternoon and on the other days to secure the consent of Senators to agree on a day fixed for voting on the bill. Clearly a majority, in fact a nearly two-third vote in the Chamber, is entitled to have an opportunity to vote on a measure of this great general importance, which has already passed the House of Representatives with a large vote from the Democratic Party as well as the Republican Party.

Feeling that unnecessary delay will be incurred by any further effort on my part or that of the majority to secure any unanimous-consent agreement, I offer the following motion, signed by most of the Republican Senators.

The PRESIDING OFFICER. The Senator from Pennsylvania offers the following motion, which the Secretary will read.

The Assistant Secretary read as follows:

We, the undersigned Members of the United States Senate, move to close the debate on the bill H. R. 15275, Calendar No. 639, "An act imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes," in accordance with the provisions of Rule XXII of the Standing Rules of the Senate.

BOIES PENROSE.
P. J. McCUMBER.
REED SMOOT.
CHARLES CURTIS.
FRANK B. KELLOGG.
SELDEN P. SPENCER.
CHAS. L. McNARY.
F. R. GOODING.
W. L. JONES.
HOWARD SUTHERLAND.
ARTHUR CAPPER.
FREDERICK HALE.
DAVIS ELKINS.
FRANK B. WILLIS.
F. E. WARREN.
MILES POINDEXTER.
L. HEISLER BALL.

LAWRENCE C. PHIPPS.
THOMAS STERLING.
WILLIAM P. DILLINGHAM.
BERT M. FERNALD.
CARROLL S. PAGE.
JAMES W. WADSWORTH, Jr.
WILLIAM M. CALDER.
CHARLES E. TOWNSEND.
FRANK B. BRANDEGEE.
H. C. LODGE.
KNUTE NELSON.
PHILANDER C. KNOX.
LAWRENCE Y. SHERMAN.
JOSEPH I. FRANCE.
WILLIAM S. KENYON.
GEORGE P. MCLEAN.
HARRY S. NEW.

Mr. UNDERWOOD. Mr. President, I assume that the paper which has just been read is the announcement of the Senator from Pennsylvania, in accordance with the rule, that on Wednesday next he will insist on a vote on cloture upon the pending bill.

Mr. PENROSE. That is the purpose.

Mr. UNDERWOOD. I shall detain the Senate but a short time with what I have to say. I am one of those who believe that a legislative body should allow the majority to exercise its judgment. I am not opposed to cloture. I shall vote against this cloture proposal because I think the present issue is one on which the Senate had better divide on the merits of the proposition.

The bill called an emergency tariff bill was introduced in the House merely to meet conditions presented by some people in the country who were actually suffering on account of falling prices due to the antewar conditions and who thought that they were entitled to be selected out from all the other people of the United States and granted a special privilege of the Government standing between them and their losses.

The condition grew, however, and to a few a great many have been added to the bill, and now it presents a fundamental question that goes to the very economic foundation of the Nation. As has been stated here to-day, the bill is not only absolutely contradictory of every principle that has ever been advocated by the followers of the Democratic Party, but it is contrary to the policy and the tradition of the Republican Party. The Republican Party may have stood, as the result of their legislation in the past, in favor of prohibitive tariff laws, and they did on many items, but this is the first time in the history of the Government that I know of that the leadership of the Republican Party has faced the country with a direct proposal that we should erect tariff walls not for the purpose of incidental or direct protection, not for the purpose of raising any revenue, but through a tariff act to establish an embargo on imports coming into the country in times of peace and not in times of war.

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Pennsylvania?

Mr. UNDERWOOD. I do.

Mr. PENROSE. I suppose the Senator from Alabama realizes that nearly one-half the Democrats in the House of Representatives voted for the bill?

Mr. UNDERWOOD. Of course, men are not parties. The actions of men do not affect principles. Many a time a vote is cast in either branch of Congress without the man who casts it at the time realizing where the vote is leading. Under the guise of a temporary measure and assistance to the needy, men may be swept from their feet on questions of principle and the economic principles that must stand for the good or evil of the people of the United States.

No one denies that the bill as a whole is intended to prohibit, not to tax, at the customhouse. I know that any prohibition at the customhouse increases the prices within the walls of the United States and thereby indirectly taxes the consumer, but the proponents of the bill do not seriously contend that this is a revenue measure, that this is a bill intended to levy taxes at the customhouse for the benefit of the Treasury, but they recognize that it is a bill to prohibit importations in order that some special interests may reap the benefit of it. Of course, we recognize that there are some items in the bill which will produce revenue. The tax on sugar will produce a very large revenue, and the burden of that revenue will be taken out of the pockets of the toiling masses of the American people.

Mr. THOMAS. May I ask the Senator what proportion of that revenue so taken out of the pockets of the people will find its way into the Treasury of the United States?

Mr. UNDERWOOD. Certainly not over half.

Mr. POMERENE. May I ask a further question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. UNDERWOOD. I yield.

Mr. POMERENE. Where will the other half of it go?

Mr. UNDERWOOD. The other half will go into the pockets of the producers of sugar in the United States; it can not go anywhere else.

The question as to the tax on sugar is easily demonstrable. About one half of the sugar that is consumed by the American people is taxed sugar which comes through the customhouse, and the other half is either produced in continental United States or in our island possessions and comes in untaxed. The portion that comes through the customhouse from foreign countries, of course, will pay the tax to the Federal Government, but as we ourselves produce only one half the sugar which the American people consume, when we increase the price of the

other half at the customhouse necessarily the law of supply and demand raises the price of the domestic product. That is not subject to argument; it has been demonstrated year in and year out by tariff bill after tariff bill, so that it is a statement that is not subject to contradiction.

It has been roughly estimated that the tax which it is proposed by the bill to place on sugar is going to make its price 8 cents a pound at the customhouse. That is what the framers of this legislation are seeking to do. I do not know who wrote this clause, though I know who introduced it; but, so far as I can read it, the tax on sugar has been apparently written to standardize the price of sugar at the customhouse at 8 cents a pound. If that is true, that means that when the sugar gets to the consumer it will get there 4 or 5 cents a pound higher in price in all probability. The Senator from Utah [Mr. Smoot] says it should not be that much higher; but suppose the spread in price between the customhouse and the consumer instead of being 4 or 5 cents is only 3 cents a pound—I am sure the Senator from Utah will admit that is reasonable. That will put the price of sugar to the American people permanently at 11 cents a pound at least, when, not under war conditions but now that war conditions are over, and Europe is resuming the manufacture of beet sugar and promising a return to normal conditions, which will produce a normal market, sugar ought to go down to at least 4 or 5 cents a pound, and is rapidly going to that point to-day. So the framers of the pending bill are proposing to place an additional burden of taxation on the consumption of the masses of the American people of over \$400,000,000 annually, and are graciously proposing to give one half to the Government of the United States and the other half to the people who are engaged in the sugar business.

But that is not all. Sugar is one of the few commodities which the bill allows to be imported. The bill is intended to prohibit, not to tax. The condition of my throat is such that I am unable to discuss the bill fully to-day, but I hope to-morrow that I shall have an opportunity and shall be able to say something more on the subject. At this time I wish merely to pick out one item which demonstrates the character of the bill. I refer to beans. Beans form a very simple article of diet. The bean may not be on the table of the multimillionaire very often, but it is a common article of food of the toiling masses of the American people.

I have here a document which is published by the House of Representatives, entitled "Summary of Tariff Information for 1920," which is now being used by the Republican Ways and Means Committee for the information of that committee in preparing the tariff bill for next summer, so I presume its statements will be accepted by Senators of a different political faith from mine. The statement is made that the production of beans in 1918 was 20,819,000 bushels, of a value of \$100,000,000; that the imports amounted only to 1,000,000 bushels, valued at about \$1,500,000; and that the exports for 1918 amounted to 4,489,078 bushels. In other words, we exported from this country nearly five times as much of beans as we imported, showing that the pressure at the customhouse was not very great. More than that, in a product valued at \$100,000,000 the importations amounted only to something over \$1,000,000; in other words, under the present Democratic tariff law in 1918 only about 1 per cent of this food commodity was imported into the United States.

Mr. McCUMBER. That was during war times.

The PRESIDING OFFICER. Does the Senator from Alabama yield? Senators desiring to interrupt will please address the Chair.

Mr. UNDERWOOD. I am glad to answer the Senator. Of course, it was partially during war times; the war ended in that year, but practically the same condition will be found to exist as to importations in preceding years in times of peace, and the same condition will be found to exist next year, when conditions shall be normal.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. UNDERWOOD. I yield.

Mr. STANLEY. The comparison of imports and exports now would no more be indicative of normal conditions than during the war. During the war there was a tendency to export, while at present, on account of the conditions in the rate of exchange, there is an abnormal tendency to export.

Mr. UNDERWOOD. The importations to-day are not very great or they would be found in the book I have before me.

Mr. STANLEY. Present conditions are temporary, and there is no use providing against them by fixed laws.

Mr. UNDERWOOD. Certainly not. I am just taking one item by way of illustration—practically the same statement

would apply to all of the other items—to show the basis of this bill. From the last report containing official Government figures, which are being used by the Republican Party, it is shown that the importation of beans amounted to only about 1 per cent of the domestic production, which represented a value of \$100,000,000. Yet, in answer to a demand coming from the producers of beans in this country, the Republican Party, without investigation and without consideration—and I say that because I do not believe that any Republican Ways and Means Committee or Finance Committee would take that item and do what they have done with it if they had given it the consideration to which it was entitled—drew this measure in the form in which we now have it.

The item of beans is carried in paragraph 197 of the present tariff law, and the duty at the customhouse on beans under that law is 25 cents a bushel of 60 pounds. Under the law of 1909, known as the Payne-Aldrich law, there was placed as high a tax on beans as the Republican Party ever placed on them. That tax amounted to 45 cents a bushel. That is the extreme limit to which the Republican Party ever went in imposing a tax on beans.

Now what do we find in this bill? The Republican side of the Chamber have raised the tax on beans to 2 cents a pound, and, as a bushel of beans as fixed by the tariff bill is 60 pounds, the rate provided by the pending bill is equivalent to an increase in the tax to \$1.20 a bushel, or nearly five times as much as the duty provided by the present law, and nearly three times greater than any tax the Republican Party have heretofore levied on beans. Beans, I repeat, are common articles of food; they go on the table of the poor people of America; but the beans, to be bought by people who can not, perhaps, buy bread and can not buy meat, must go to their tables taxed by the Republican Party at 2 cents a pound. That is what we find the Republican majority have done in this bill under the pretense of a war necessity or of an emergency. Because they wish to please somebody for political purposes, they are proposing to levy this class of tax on the American people.

What is going to be the result? The Government will reap no benefit from it, because the tax has been placed so high that no beans will come in; but the consumer behind the tariff wall will pay a tax of \$1.20 a bushel on a commodity which is used to sustain his daily life. That is the kind of bill which you bring here under whip and spur, and say that you are going to throttle opposition to it with a cloture rule on next Wednesday!

I am glad the Senator from Pennsylvania has offered this cloture rule. I do not intend to object to his request for unanimous consent to vote, because if you are going to do this abhorrent thing you had better do it and be rid of it, and let us attend to the business of the Senate. I think the country is entitled to have an understanding of this question, as it will before the vote is taken; but it goes further than that. It is the first step toward taxing the raw material of the Nation—not levying a tax for revenue, which might be justifiable on any article, but levying a prohibitive tax upon most of the raw material that is covered by this bill, for the purpose of putting up the price to the home producer. Talk about class legislation! The Senator says there is no class or section in this. There may be no class or section, so far as individuals are concerned, but the class or section is written in the terms of this bill.

I see before me one of the Senators from Connecticut and another from Rhode Island. Tell me how long the industries of New England can survive a policy of taxation that proposes to put a tax on raw material so high that it can not be brought into this country, a prohibitive tax on raw material; and it is in this bill, though not on it all.

Mr. McLEAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. I do.

Mr. McLEAN. The Senator has mentioned my name.

Mr. UNDERWOOD. I did not refer to the Senator by name, but—

Mr. McLEAN. Inasmuch as the Senator did not mention me by name, I think it ought to be understood that he refers to the junior Senator from Connecticut and not to the senior Senator from Connecticut.

I should like to suggest to the Senator from Alabama that if the statements made to the Committee on Finance are true—and I think they are—understanding that this bill is a temporary measure, enduring for but 10 months, I think the Senator from Alabama will agree with me that the woolen manufacturers of my State will have no trouble in getting their raw material, notwithstanding this tariff tax, because there is

already more wool in this country than the mills can use in two years.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I do.

Mr. BORAH. I am interested a little in those who have wool to sell. What benefit is this tariff bill going to be to us if there is wool enough to supply the mills for two years?

Mr. McLEAN. It will help us all. I hope it will benefit us to the extent of the tariff.

Mr. BORAH. If there is wool enough in this country to satisfy your people for the next year, and this bill only lasts for 10 months, what possible benefit is it going to be to the man who has wool to sell?

Mr. McLEAN. I will tell the Senator.

Mr. BORAH. It has been a mystery to me ever since this bill was proposed.

Mr. McLEAN. As I understand from the testimony before the committee, the wool industry is pretty much out of business. I understand that they are selling their sheep now on the Chicago market for from 3 to 4 cents a pound. Some of the farmers are feeding their sheep to the hogs, because they are worth more for hog food than they are for mutton. My belief is that if you destroy the sheep industry in this country it will take from 5 to 10 years to revive it, and long before the industry is revived the foreign producers of wool will absolutely control the market, fix the price as high as the trade will bear, and then is the time when the consumers of woollens in this country will realize the benefit of the tariff.

Mr. BORAH. Mr. President, I am not concerned about the man of the future.

Mr. McLEAN. Well, we are.

Mr. BORAH. I am interested in the man who now has his flock of sheep, his wool, and who can not survive another year unless he gets relief, although I have never thought he would get much relief from this bill; but your argument and the argument of our eastern friends, to the effect that it will not raise the price to the man who buys woolen goods in the East because of the fact that we have plenty of wool in this country to run us for a year, cuts out any hope of our people at all.

Mr. McLEAN. The Senator from Idaho is the first Senator I have heard suggest that it was not the hope and purpose of this bill to raise the price of wool to the producers of wool in this country. That is the object of the tariff. It is to sustain, if possible, the price of wool in this country so that the present supply can find some kind of a market and the sheep industry can be saved from ruin. That is the only object of this bill.

Mr. BORAH. Candidly, I am not a tariff expert, but there are a few principles of common sense which seem to me to apply to this situation the same as to others. Now, we are told over and over again that there is enough wool in this country to meet all demands for the next two years. I think the Senator from Utah said two years.

Mr. THOMAS. Two years.

Mr. BORAH. And you are fixing a tariff wall for 10 months. Now, no one cares anything about that for the next 10 months, if there is enough wool here to last for two years.

Mr. McLEAN. If it does not affect the price to the producer of the wool, it certainly will not hurt the consumer of wool.

Mr. BORAH. I know; but that is not a thing that I can take home to my people—"it has not hurt anybody, but it has not helped you." That is not what they are concerned about. The difficulty is, if I may say so to my friend, that this bill has been advertised throughout the West as redeeming a deplorable situation in the West, to wit, not only the producer of grain, but the live-stock man. Now, then, if it does not in fact relieve it, upon what theory should we be called upon to pass the bill at all? What we want is not a bill, but relief.

Mr. McLEAN. The position which the Senator takes is the position which is taken by the opponents of the bill on the other side of the Chamber.

Mr. BORAH. I do not care where it comes from, if it is common sense.

Mr. McLEAN. Some of them insist that it will not raise the price of wool to the consumer; others of them insist that it will.

Mr. BORAH. When my colleagues on this side of the Chamber get up and say to the country that we have enough wool in this country to supply the demand for two years, then I am not taking the argument of the opposite side of the Chamber; I am taking the argument of both sides of the Chamber.

Mr. McLEAN. If it does not have an effect on the price of wool now held in this country, it certainly will not do any harm. The hope of those who support the bill is that it will

help sustain the price of wool and so help preserve the sheep industry.

Mr. BORAH. Well, we know what the Apostle Paul said about hope.

Mr. McLEAN. And if we are to assume that the gentlemen on the other side are honest in the position they take, they insist that this bill must not pass because it raises the price of wool to the producer, the sheep raiser.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I yield.

Mr. SMOOT. I want to assure the Senator from Idaho that the passage of this bill will increase the price of wool to the manufacturer, and I want to say why, if the Senator will yield just a moment.

It is true that when the wool crop of this country is clipped and goes into the market, with the exportations of wool that it meets there, and the amount of wool that we have in the United States, there will be nearly enough wool in the United States to furnish the people of the United States with woollen cloth for nearly two years; and, by the way, in passing I may say that that is the condition in the world. To-day there are 2,400,000,000 pounds of wool in the world—almost enough wool to last the world two years. I am not going to stand here and say that if we impose this duty upon wool it is not going to raise the price of wool to the American people. It will; but as far as the effect upon the manufactured article is concerned, it is so small that it is almost unworthy of mention; but this is how it is going to affect the wool market in the United States:

With the price of wool in the world, there will be very little wool—in fact, there will be scarcely any outside of the long-staple fine wools—imported into the United States if this bill passes.

Mr. UNDERWOOD. Then, as I understand the Senator, he agrees with what I have said—that the tax levied in this bill is practically prohibitive for the present.

Mr. SMOOT. On some articles; not on all.

Mr. UNDERWOOD. I am talking about wool.

Mr. SMOOT. Yes; but the Senator was altogether wrong about the number of dollars that would be imposed upon the American people by this amendment as to sugar. That, however, is another matter.

Mr. UNDERWOOD. But the Senator agrees with me that the tax on wool will be practically prohibitive?

Mr. SMOOT. It will as far as all wools are concerned with the exception of the long-staple wools that come in here and are made into fine worsted goods. It will be nearly prohibitive.

Mr. UNDERWOOD. It will be prohibitive on the class of wools that the mass of the people use—that is what I am talking about—because they do not use this high-grade wool.

Mr. SMOOT. Yes; I will say that it will. I want to be perfectly frank with the Senator, as I always try to be with the Senate.

Mr. UNDERWOOD. To be sure.

Mr. SMOOT. Now, the woolen manufacturer has to purchase his wool at least one year before he receives pay for his goods. He has to buy his wool six months ahead for his spring goods; he has to buy his wool six months ahead for his fall goods; and those goods are not delivered to the clothing manufacturer for at least eight months after he has purchased the wool. Therefore, if wool importations into this country are stopped, there is not any question but that the price of local wool will advance, and I have not any doubt but that it will; and that is the object of this bill, I will say to the Senator. I say now that with this bill the producer of wool in the United States can not get what the wool cost him, and I do not know how many it will save. It will save some, but, I care not whether this bill is passed or not, about half of the western sheepmen to-day are bankrupt, and I think the Senator will acknowledge that.

Mr. UNDERWOOD. I agree that the agricultural interests are in a very bad condition, and I also agree that the man who raised cotton and the man who raised corn are about as badly off as the man that raised wool.

Mr. SMOOT. No; I will say to the Senator that I do not think he can substantiate that statement. If the man who has been raising wool had not money enough to go on feeding his sheep, and carry them on for a year, there is only one thing for him to do, and that is to send them to the slaughterhouse, and that is what is being done all over the United States to-day; whereas, in the case of the man who raises cotton, his land is there for the next year.

Mr. UNDERWOOD. Provided the sheriff does not take it away from him under a red-flag sale. The same condition exists there that exists as to wool.

Mr. SMOOT. I say to the Senator that after the sheep are killed and after the cattle are killed it will take a quarter of a century to bring that industry back.

Mr. McKELLAR. How much of the wool clip for the present year is in the hands of the woolgrower now?

Mr. SMOOT. About 80 per cent of it. There was 85 per cent the other day, and there have been quite a number of sales since this bill was brought into the Senate; and I want to say to the Senator that I do not think there would have been the sales that have taken place in the last 10 days if it had not been for this legislation.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Montana?

Mr. UNDERWOOD. I yield.

Mr. WALSH of Montana. I wish to say a word before the Senator passes from the consideration of the subject to which his attention has just been directed. I submitted to the Senate some time ago some figures which were supplied by various witnesses who appeared before the Committee on Agriculture, including some representatives of the Federal Trade Commission, and from those figures I reached the conclusion that a rather alarming state exists with respect to the wool supply. I expressed quite freely my conviction that the condition called for governmental intervention.

The Government of the United States during the war bought wool everywhere throughout the world and at any price it was obliged to pay. All that was entirely proper and altogether judicious. When the armistice was signed it found itself with the enormous accumulation of 600,000,000 pounds on hand. That has been disposed of from time to time in various lots, so that it has all now passed into the hands of either dealers or manufacturers, except about 60,000,000 pounds.

The testimony referred to disclosed a condition such as has just been suggested by the Senator from Utah [Mr. Smoot], namely, that as a result of that condition, as well as by reason of the fact that Great Britain was unloading upon the markets of the world the accumulated supplies from the Australasian countries, accumulated during the war, and which had not reached the markets by reason of the shipping conditions, there was in the United States at the present time a supply of wool adequate to meet all needs for a period of a year at least, and according to some estimates almost, if not quite, two years.

It occurred to me, Mr. President, that inasmuch as that condition was very largely due to governmental action upon the part of our Government, as well as on the part of the Government of Great Britain, the Government might very properly step in and impose something in the nature of an embargo until these extra supplies were absorbed.

But, Mr. President, I have before me a report made by the Tariff Commission since that testimony was thus adduced, which, if I understand it aright, shows that that condition of affairs simply does not exist. I have asked for some more specific information concerning it, but according to the report which I have in my hand now, issued under date of January 10, it appears that we are carrying over in the United States only 20 per cent more than the ordinary carry over, and no more than we were carrying over a year ago. I read:

The stock on December 1 is about 20 per cent above the prewar normal for that time of year, when usually not more than a year's supply is in the hands of dealers and mills. A year's supply, or the annual consumption, averaged 517,322,000 pounds in the condition reported, or the equivalent, about 535,000,000 pounds in the grease, during the five years ending July 1, 1914.

The stock on hand on December 1, therefore, is by no means alarming in itself, and varies little from that of a year ago. But there has been a marked decrease in the rate of consumption. The mills from July 1 to December 1 were only using three-fifths as much wool per month as during the 12 preceding months.

In view of that fact, and also considering that there may be an appreciable interval before the mills accelerate present consumption, any surplus at all is disquieting.

Accordingly, Mr. President, it would appear as though the condition which confronts us here arises rather from the consumer's strike, as it is called, than by reason of what we suppose to be extraordinary accumulations, and particularly extraordinary importations. If it be the fact, Mr. President, that we have on hand in the United States at the present time only the ordinary amount of wool that we would have under ordinary circumstances and conditions, or no more than 20 per cent over that amount, and we absolutely shut off all importations, as this bill would do, for a period of even 10 months, I submit that a condition of affairs we could not tolerate would ensue, because it is conceded that we do not produce in this country

more than one-half of the wool annually consumed, our production being in the neighborhood of 300,000,000 pounds and our importations being practically the same. If this report is correct, it has entirely upset my own ideas about the matter, and will certainly very seriously affect my vote on this measure.

Mr. UNDERWOOD. I should like to suggest to the Senator what I am sure he is aware of, that in the handling of raw wool by the mills it is necessary to store it and treat it for many months; so that a large portion of the wool clip of each season is carried over by the mills themselves before they use it, in the ordinary course of their trade.

Mr. WALSH of Montana. Before I conclude, if the Senator will permit, I would like to read further from the report, as follows, on pages 8 and 9:

In the United States the stock of wool on hand on December 1 amounted to 646,666,000 pounds, consisting of wool in the grease and its equivalent in pulled and scoured fiber and in tops and nolls. This amount included 521,000,000 pounds reported on hand September 30, as well as 175,000,000 pounds estimated at country points, 11,666,000 pounds of wool pulled in October and November (grease equivalent) and imports during October and November of 17,000,000 pounds, with the deduction of 78,000,000 pounds for October and November consumption.

By that process of reasoning, on the basis of these facts, the conclusion is arrived at that we are carrying over in the United States just a normal quantity of wool.

Mr. SMOOT. I wish to ask the Senator if there is anything in the report to show just where that wool is located? It may be that the wool is in the hands of the miller, or in the manufacturer's hands, and that does not take into consideration the wools that are held this year in the hands of the producers. The Senator knows that not more than 20 per cent of it is left in the hands of the producers.

Mr. WALSH of Montana. They give 521,000,000 pounds reported on hand September 30, which I take it is in the hands of the dealers and manufacturers, and then the report continues, "as well as 175,000,000 pounds estimated at country points," making the total amount.

Mr. SMOOT. What was the last figure?

Mr. WALSH of Montana. One hundred and seventy-five million pounds at country points. Of course, if it be the fact that we have only a year's supply on hand, and we shut off importations altogether, we can very readily conceive that it would be pretty profitable to those who own wool in this country. But even though it is a great industry in my State—indeed, we lead in the production of wool—I could hardly justify myself in putting an embargo upon the importation of wool if, indeed, we have only the ordinary supply in this country, because we have to import at least 250,000,000 more in order to meet the demands of our people for clothing.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. UNDERWOOD. I yield.

Mr. THOMAS. I presume the Senator from Montana has noted that the real surplus of wool in the world is 917,000,000 pounds, between which and the statement of the Senator from Utah placing it at 2,500,000,000 pounds there is quite a difference.

Mr. WALSH of Montana. Mr. President, I am not quite sure that the Senator from Colorado is correct about that. This is a little obscure also, and I want some further information about it.

Mr. SMOOT. The Senator will find, when he gets his information, that this report on page 8, showing that the wool surplus December 1 is 917,000,000 pounds, refers to the surplus here.

Mr. THOMAS. The world surplus, it says.

Mr. WALSH of Montana. I am perfectly satisfied about that. The point about which I am in doubt is as to whether that means the total amount of wool now in the world, or whether it is the total amount in excess of what would ordinarily be on hand at this time. If that is the case, then the figures given by the Senator from Utah are perhaps correct. But I read it, in the first place, as signifying that that is the total amount of wool on hand now.

Mr. SMOOT. It says the total surplus wool:

Table I, World surplus of old wool, December 1, 1920 (approximate)—

And there the surplus of wool is stated at 917,000,000 pounds.

Mr. WALSH of Montana. The word "surplus" has a technical significance there.

Mr. SMOOT. I do not know what the technical significance is.

Mr. WALSH of Montana. I will tell the Senator what the significance is, as I understand it. It signifies the amount carried over.

Mr. SMOOT. No; it is the surplus over what will be required ordinarily by the manufacturers of woolen goods throughout the world.

Mr. WALSH of Montana. I have a different idea about it, based on information from various sources. My understanding of the word "surplus," as used in the wool trade, is that it signifies that amount of wool which is carried over from one season to the next season.

Mr. SMOOT. If it is necessary to be carried over, it is not surplus, and this says "surplus wool in the world." There is no question but that in the testimony before the committee it was stated time and time again, even when the members of the Tariff Commission were there, that the production of wool in the world is 2,400,000,000 pounds a year. There is no question about that at all.

Mr. WALSH of Montana. There is not any question in my mind, if the total production is something over 2,000,000,000, that very naturally the 917,000,000 would signify that all the rest had been manufactured, and they were carrying over 917,000,000 pounds.

Mr. SMOOT. That does not necessarily follow, because we have a wool clip on hand now. There will be an American clip of wool of 240,000,000 pounds within a very few months to add to what we already have.

Mr. WALSH of Montana. The Senator says "a very few months." I myself know something about that industry. It will not be on the market, as a matter of course, until the 1st of July at least.

Mr. SMOOT. That is not very many months off.

Mr. WALSH of Montana. No; only five months; and undoubtedly there will be the ordinary consumption meanwhile.

Mr. SMOOT. In Montana they shear in June, in Utah in April. So it will not be five months before that clip will be on the market.

Mr. UNDERWOOD. Of course, we will have another clip a year from that time, and another in a year from that time. So if we are going to carry in our surplus the production of wool on the sheep's backs for the years to come we will have an indefinite amount.

Mr. THOMAS. And the consumer is to be shorn 12 months in every year.

Mr. UNDERWOOD. Surely. I am taking more time of the Senate than I had intended; but I have been much interested in the colloquies between my brother Senators. However, the proposition I came to was a matter of principle, a principle in levying taxation. When I referred to the effect this class of legislation would have on New England, my friend, the Senator from Connecticut [Mr. McLEAN], sidestepped the question by saying, "No; it will not hurt New England this year because the amount of surplus wool in this country is so great that New England does not have to go to foreign fields to buy"; and the Senator from Utah parried that blow by saying the Senator from Connecticut was mistaken, that the surplus did not exist; that the levying of this prohibitive tax—

Mr. SMOOT. I did not say it did not exist, I will say to the Senator. I said it did exist, and notwithstanding it does exist, if we pass this bill, the price of American wools will advance because of the fact that it will stop the importation of wools that are now on their way here, if the bill passes before they arrive.

Mr. UNDERWOOD. I am merely reviewing what the Senator said. I thank him for stating what he said, because it makes my position clear. The Senator from Utah from his viewpoint says that except on certain classes of very high-grade wools, little of which is imported into this country, and none of which practically comes into competition with the wools that are produced in America, the tax is prohibitive as to all other wool, and therefore all prices will be raised to the mills. Did anyone ever hear of the price being raised to the mills when it was not raised to the retail trade and raised to the consumers?

It may be that the New England manufacturer is not objecting to temporarily laying aside the principles he has espoused, because he may have a large amount of manufactured goods on which he wishes to raise the price and, by raising the price of the wool for 10 months to come, he may create a monopoly for the sale of the manufactured goods on his shelves. That is not the question which governs me and I do not think it should govern any man in this Chamber.

If we are going to use the great taxing power of the Government, as it is openly admitted here the advocates of the bill are doing, to serve private interest—the Sugar Trust, the wool combine, and other producers of necessities of life—why should we not repeal the Sherman antitrust law? Why should we pass legislation that is intended to protect the American people against exactions? Why not just repeal all the laws and let

the wolves of commerce go to it? Why should we pass a law one day and say that it is in the interest of reducing prices to the American consumer, and the next day pass a tariff law to collect duties at the customhouse, deliberately intended not to raise a tax for the Government but to boost the prices for certain special interests, and on that character of legislation demand the gag rule so that the American people shall not hear the truth, that independent thought and independent judgment on the subject must be throttled because the debts of a political party must be paid?

Mr. KELLOGG. Mr. President—

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. UNDERWOOD. I yield.

Mr. KELLOGG. Does the Senator consider a cloture rule which at the end of three days permits 96 hours of debate, or about 12 or 15 days of debate on the tariff bill, a gag rule?

Mr. UNDERWOOD. It is intended for that. I do not think it is so severe as a gag rule. If you were gagging the American Senate in legislation in the interest of the American people I would not object, if you took the responsibility, but when you attempt to pass a gag rule for the purpose of voting dollars out of the pockets of the toiling masses of American people and putting them into the pockets of monopoly, I do object.

I admit that all of this money is not going into the pockets of monopoly. You have rung the farmer in here incidentally on two or three things so you could get the farmer's support and make the farmer believe that he has an interest in the bill and that this is a bill in the interest of the farmer, the independent producer. But behind it all, if we trace the snake to its hole, we find it putting the increased price of sugar into the pockets of the great sugar manufacturers of America. Trace it on, not to the pockets of the western ranchman, and you find the New England mills for the first time voicing a sentiment on the floor of the Senate that they are in favor of a prohibitive tariff on their raw material, and they expect me to believe that the New England mill is not going to get dollars out of this legislation. That is the character of bill you have brought here, a bill to make the American people pay your debts.

Mr. President, I am not going to weary the Senate longer this afternoon in discussing the bill. I would not have objected to the unanimous request, as far as I am concerned, nor do I object to a vote on the cloture rule, because I think it is well enough to draw the line. We all know perfectly well that a Democratic President is in the White House and that in all human probability he would veto the bill if it were sent down there. To make this effective legislation you must command a two-thirds vote in the two Houses of Congress, because you must pass it over the President's veto.

If you mean what you are doing, if you really have the nerve to put this oppressive piece of legislation on the backs of the American people, on Wednesday next you will have an opportunity to go on record, because I assume, if you can command a two-thirds vote on the cloture rule in this Chamber, when the veto message comes back you will take that two-thirds and pass the bill over the President's veto and enact it into law. If you have not the two-thirds, then why take up the time of the country and the time of the Senate with the further consideration of the bill at this time? Within a little over 30 days your party will be in power in every branch of the Government. In a little over 30 days you can bring the bill in and pass it by a majority vote and take the entire responsibility, with a Republican President signing the bill. So why further delay necessary legislation at this session if you can not get a two-thirds vote in the Senate?

I am perfectly willing that the issue may come, and I hope every Senator in the Chamber will face the issues that exist. If he believes in the new theory of using the taxing power of the Government at the customhouse to legislate in favor of special interests by prohibitive taxation, let him vote to put on the gag and apply the rule; but if he is opposed to the legislation, if he recognizes that the industrial and productive conditions which confront the country to-day are the result of a post-war climax, that they are going to adjust themselves, that we must all carry a share of the burden and all pay our price and sustain our own losses, and that he does not stand for the use of the taxing power of this great Government to make the toiling masses of the American people carry this great financial burden to relieve special interests in the United States, then I think he should vote against your cloture rule and give you notice that if you are going to put the bill over you must bring it here after the 4th of March as a party measure.

Mr. BORAH. Mr. President, I wish to say a word in regard to procedure. Notice under the rule for cloture has been given

by the Senator from Pennsylvania [Mr. PENROSE], and on Wednesday next under the rule we will vote upon the question of whether or not we shall close debate. Of course, if there are sufficient votes to close debate they can then pass the bill, but what I am interested in knowing from those who have charge of the bill is, in case they do not have sufficient votes to close debate, whether they then propose to abandon the bill?

Mr. McCUMBER. I can only say as one that it will not be abandoned during this session, so far as I can help.

Mr. BORAH. Mr. President, I am glad to hear the Senator say that. I think the Senator from North Dakota is sincerely in favor of the bill. A great many Senators who are not really in favor of it will vote for it as a mere matter of expediency, hoping possibly that some good may come from it.

Mr. President, I wish to call the attention of those who are in favor of the bill to the fact that the cloture proposition is not a fair test of the strength of the bill in the Senate. In the first place, there may be Senators who are opposed to cloture on principle, but who are willing to vote for the bill. Those in charge of the bill can not command for cloture as many votes as they can for the bill; in other words, if they undertake to put on cloture, and fail to do so, and abandon the bill, they will be applying a test of a two-thirds vote to the passage of the bill, while, as a matter of fact, a majority is in favor of the bill. It takes a two-thirds vote in the Senate to adopt the rule upon which we shall be called upon to vote on Wednesday next. It would be manifestly insincere and manifestly unjust and unfair, I think, for those who are interested in the bill if they should erect a standard which required a two-thirds vote, and then failing to get the two-thirds vote abandon the bill. As I understand, the Senator from North Dakota does not propose to abandon the bill.

Mr. McCUMBER. Mr. President, if the Senator will allow me, I will state my position with reference to the cloture. I am very desirous of having the bill voted on and enacted into law, if possible. I appreciate the fact that the supply bills are coming along at the same time; the chairman of each committee having an appropriation bill in charge will be clamoring for a hearing, and that Senators who desire to consume more time than is necessary in order to prevent the pending bill from becoming a law may consume it upon appropriation bills or upon any other kind of bill.

I hope we can utilize the cloture rule. I agree entirely with the Senator from Idaho that there are some, quite a number in the Senate, probably, who would vote for the bill who would not vote for cloture. I favor the cloture as a test as to whether or not we can get the two-thirds in the Senate that will assure the passage of the bill. If we can get that two-thirds, then there will be no question that the bill will pass and will stand a chance of becoming a law. If we fail to get the two-thirds, all that is left us to do is to do the very best we can to keep the bill before the Senate at all times, interfering no more than is possible with the supply bills. However, we hope that we shall get an agreement to vote on the bill or shall vote upon it without such agreement for a final vote.

Mr. BORAH. Mr. President, with reference to the supply bills, I desire to say that there is no necessity of passing the supply bills by the 4th of March next. The Republican Party is now in charge of the legislative department of the Government, and after the 4th of March it will be in charge of both the executive and legislative departments. There is no need of the supply bills being passed until the 1st of June next. If the pending bill means what it has been said to mean to the people of the country who are engaged in agriculture and in the live-stock industry, we can very well afford to put aside the supply bills until we can get a vote upon the pending measure. There are undoubtedly in the Chamber a majority of Senators who are in favor of the bill; a majority of Senators can keep the bill before the Senate from now until it shall be voted upon, and I have no doubt that if we undertake to do that we shall get a vote before the end of this week.

Mr. McCUMBER. Mr. President, if the Senator will allow me, I desire to say that I wish I were as optimistic as he is with reference to having a majority that would vote to keep the bill constantly before the Senate to the exclusion of the supply bills. I hope the Senator's view may be justified.

Mr. BORAH. I did not say "to the exclusion of the supply bills." I say that the Senate has a majority who have stated that they are in favor of the bill. I do not think that they are so enthusiastically in favor of it as is the Senator from North Dakota; I am frank to say that; but there is a majority in the Senate who have signified their willingness to vote for the bill. If the Republican majority here, with the support it gets from the other side of the Chamber, is sincerely in favor of the bill, and wish to assume the responsibility of passing it as a party

measure, there is no doubt that they can get a vote upon the bill within a reasonable length of time.

Mr. President, as I said a moment ago, it would be an act of bad faith if, having lost cloture by a two-thirds vote, we should abandon the bill which can be passed by a majority vote; and I want to say that at this time, for the reasons I have stated, I shall not expect to see the bill abandoned if cloture fails. The majority should insist on sessions from morning until night and keep this bill before the Senate. If this is done, you will get a vote in less than a week.

Mr. THOMAS obtained the floor.

Mr. JOHNSON of California. Will the Senator yield for merely an instant? I have three very brief amendments to the pending bill, which, under the rule, are required to be read. It will take but an instant to do so. May I have the amendments read at the desk?

Mr. THOMAS. I yield to the Senator for that purpose.

The PRESIDING OFFICER. The Secretary will read as requested.

The READING CLERK. Amendments intended to be proposed by Mr. JOHNSON of California to the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes, are as follows:

On page 2, line 21, strike out "1½" and in lieu thereof insert "2." On page 2, line 23, after the word "gallon," strike out the period and insert a semicolon and the following: "Olives, 60 cents per gallon in bulk, 70 cents per gallon in containers of less than 5 gallons." On page 6, after line 24, insert the following: "(29) Olives, in solution, 25 cents per gallon; olives, not in solution, 5 cents per pound."

[Mr. THOMAS resumed the speech begun by him on Saturday last. After having spoken for 40 minutes he yielded the floor for the day.]

Mr. LODGE. I ask leave to submit an amendment to the pending bill, which I ask may lie on the table and be printed.

Mr. PENROSE. Let the amendment be read.

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The amendment was read and ordered to be printed and to lie on the table, as follows:

26-A. Upon hides of the kind provided for in paragraph 26, when advanced in any manner or by any process of manufacture, and manufacturers of which hides of any kind provided for in paragraph 26 are a component material, the rate of duty imposed shall be 10 per cent ad valorem.

Mr. MOSES. I wish to offer an amendment to the bill, and ask that it may be printed and lie on the table.

The amendment was read and ordered to be printed and to lie on the table, as follows:

On page 6, following line 24, insert:
"29. Needles for knitting or sewing machines, \$1 per thousand and 25 per cent ad valorem; latch needles, \$1.15 per thousand and 35 per cent ad valorem."

RECESS.

Mr. PENROSE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Tuesday, February 1, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Monday, January 31, 1921.

The House met at 12 o'clock noon.

The SPEAKER. The House will be in order.

Mr. MCCLINTIC. Mr. Speaker, I raise the point of order that there is no quorum present. I think that Members would be benefited by hearing the prayer.

The SPEAKER. The gentleman must not make any remarks. The gentleman from Oklahoma makes the point of no quorum. Obviously there is no quorum present.

Mr. ROGERS. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Andrews, Md.	Brooks, Pa.	Crago	Edmonds
Ayres	Brumbaugh	Crowther	Ellsworth
Bakka	Burke	Cullen	Emerson
Bacharach	Burrroughs	Currie, Mich.	Ferris
Baer	Caldwell	Davey	Focht
Bell	Campbell, Pa.	Dent	Gallagher
Benson	Candler	Dewalt	Gandy
Blackmon	Carew	Donovan	Gandy
Bland, Mo.	Classon	Dooling	Goldfogle
Bowers	Copley	Eagan	Goodwin, Ark.
Britten	Costello	Eagle	Gould

Graham, Ill.	McGlennon	Patterson	Seuily
Graham, Pa.	McKeown	Pell	Smith, Mich.
Griest	McKinley	Perlman	Stegall
Hamill	McKinley	Purnell	Steele
Harrison	McLane	Rainey, Ala.	Stiness
Haugen	McLaughlin, Mich.	Rainey, Henry T.	Strong, Pa.
Hill	Maher	Rainey, John W.	Sullivan
Hutchinson	Mann, S. C.	Ramsey	Tague
James, Mich.	Mead	Reed, W. Va.	Tincher
James, Va.	Milligan	Riddick	Tinkham
Johnston, N. Y.	Montague	Riordan	Upshaw
Kelley, Mich.	Moon	Robinson, N. C.	Vare
Kennedy, Iowa	Mooney	Rodenberg	Venable
Kennedy, R. I.	Moore, Ind.	Rose	Vestal
Kettner	Morin	Rowan	Voigt
Kincheloe	Mott	Rowe	Ward
Kitchin	Mudd	Rubey	White, Me.
Klecza	Murphy	Rucker	Wilson, Ill.
Kreider	Neely	Sabath	Wise
Leshner	Nelson, Wis.	Sanders, Ind.	Yates
Loneragan	O'Connell	Sanders, La.	Young, Tex.
Lufkin	Olney	Sanders, N. Y.	
McCulloch	Padgett	Sanford	

The SPEAKER. On this vote 293 Members have answered to their names, a quorum.

Mr. ROGERS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The Chaplain will offer prayer.

PRAYER.

The Rev. James Shera Montgomery, D. D., pastor of Calvary Methodist Church, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, our times be in Thy hands. Mercy and goodness have been around about us. Therefore we acknowledge Thee to be our Lord.

May the words of our mouths and the meditations of our hearts be acceptable in Thy sight, until the close of life's little day. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Saturday, January 29, 1921, and the Journal of Sunday, January 30, 1921, were read and approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER. The unfinished business before the House is the Diplomatic and Consular appropriation bill, on which the previous question has been ordered. The Clerk will report the first amendment.

The Clerk read as follows:

Page 2, line 5, at the end of the line, strike out the amount "\$227,500" and insert in lieu thereof "\$210,600."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 6, at the end of the line, after the word "to," insert the word "China."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 10, after the word "Bulgaria," insert "Czechoslovakia."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 13, after the word "Paraguay," insert the word "Colon."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 16, at the end of the line, insert a new paragraph as follows:

"For ambassador extraordinary and plenipotentiary to Turkey, \$10,000."

The amendment was agreed to.

The Clerk read as follows:

Page 3, after line 12, insert:
"Chinese assistant secretary of legation to China, \$4,000."

The amendment was agreed to.

The Clerk read as follows:

Page 3, after the amendment just adopted, insert:
"Japanese assistant secretary of embassy to Japan, \$4,000."

The amendment was agreed to.

The Clerk read as follows:

Page 3, after the amendment just adopted, insert:
"Turkish assistant secretary of embassy to Turkey, \$2,000."

The amendment was agreed to.

The Clerk read as follows:

Page 4, after line 9, insert:

"CONTINGENT EXPENSES, FOREIGN MISSIONS.

"To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, repairs, postage, telegrams, furniture, typewriters, including exchange of same, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation